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STORY OF THE  
CONSTITUTION  
OF THE  
UNITED STATES



ALICIA BARNARD



Class JH274

Book B3

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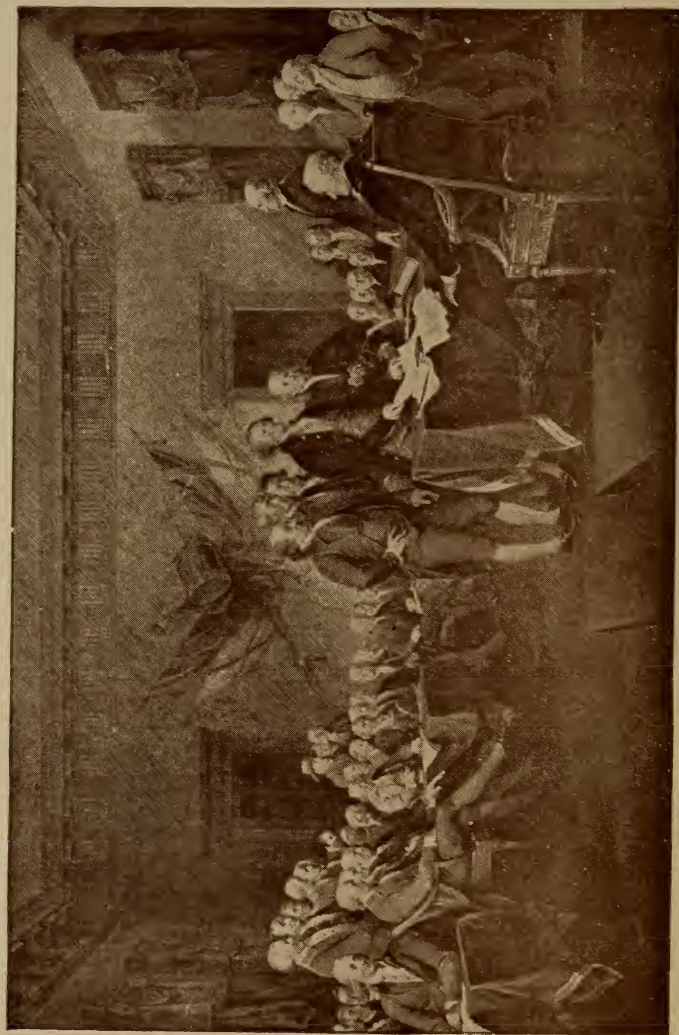
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SIGNING THE DECLARATION OF INDEPENDENCE

*Jonathan Trumbull*

STORY OF THE  
CONSTITUTION  
OF THE  
UNITED STATES

BY

ALICIA BARNARD

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## PREFACE

The author of this "Story of the Constitution" of the United States feels that every grammar school teacher will agree with her in saying that the "Constitution" is one of the most difficult subjects to teach; and for the most part because there is no simple presentation of the subject suitable for use in the grammar grades.

The following "story" is the outcome of a teacher's attempt to present historical lessons of interest to the children, and at the same time be consistent with her all-time pleading that in history reading, above all reading, the child should train himself to look for sequence, cause and effect; for initiative acts and results.

It ought not to detract from the child's respect for the Constitution to know that it was fought for and fought over; that there was no perfect agreement between parties then any more than now, and that compromises had to be made then as now.

This story method has been used with much success in the school-room, and the author feels that it will generally appeal to the average child of our grammar school grade.

THE AUTHOR





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# THE STORY OF THE CONSTITUTION

## THE FOREFATHERS

The English forefathers of America's first settlers were men of brave spirit. To appreciate rightly the Constitution of our own United States we should know well the story of these English forefathers' struggle for liberty; *for out of their struggle grew our own independence.*

When the Puritans left England to come to America they left the common people of England struggling against the tyranny of the Hanoverian kings, and the struggle against them went on for years, *both in America and in England.* We do not always appreciate this. Too often we forget that when the Puritans, together with the Cavaliers of the south, gained Independence for the colonies, *the common people of England rejoiced also.*

The Hanoverian family came to the throne of England in 1714. At that time, the people of England were angry with the behavior of that royal family — the Stuarts<sup>o</sup> — which had so long been

ruling England, and they were determined to have a change. George, Elector of Hanover,<sup>o</sup> Germany, was therefore called to the English throne at the death of Queene Anne,<sup>o</sup> the last of the Stuarts.

George I knew little of England's people and less of England's history, customs and ideals. Indeed he could speak so little English that during his reign the country was ruled by his English advisors, rather than by himself.

Fortunately, however, there was a Parliament, which represented the people well, and no harm was done by George I, who stood, at least, for the liberty of the people, rather than for the "divine right of kings<sup>o</sup> and no rights for the common people," as had the recent Stuart kings.

For a long time there had been associated with the King of England, a Council.<sup>o</sup> King George, however, not being able to know what his Council might be planning, realized his need for some one person who should stand closer to him than a Council and upon whom he could depend as upon a personal friend.

Consequently, as the direct outcome of the inefficiency of George I, the office of *Prime Minister*<sup>o</sup> was created; and from that time every king of England has had his personal counsellor — the Prime Minister — whose rank is next to the king and head of the Cabinet,<sup>o</sup> the Cabinet having been introduced during the reign of Charles I (a Stuart). The Cabinet consisted of a few strong men chosen by the King from Parliament; but George I brought about the custom of a Prime

Minister, who should himself choose a Cabinet of which he should be head.

The first Prime Minister was Sir Robert Walpole,<sup>o</sup> a name of note in the history of England. It is worth while to notice just here that Sir Robert Walpole selected his Cabinet *from men in sympathy with the House of Commons*; and that this policy has never been changed by the government of England. Should it chance that during the office of a Prime Minister the political sentiment of the country and of the House of Commons should change, the Cabinet and Prime Minister would have to change to meet the demand for harmony between the Cabinet and the House of Commons.

NOTE — No pupil should be content with mere allusion to a historical fact. Therefore, the following topics should be assigned for class research:

The Stuart Family.  
Electors of Hanover.  
Queen Anne's Death.  
Divine Right of Kings.  
The History of the Council.  
Office of a Prime Minister.  
The Cabinet.  
Sir Robert Walpole.





## HOW SLAVE TRADE BEGAN IN AMERICA

During the reign of George I, a terrible panic brought about untold misery to the people of England. This panic came about through the South Sea Bubble,<sup>o</sup> as the enterprise has since been called, an enterprise which, as time went on, also affected the colonies seriously. The plan of the enterprise was this: A company of London merchants, calling themselves the South Sea Company,<sup>o</sup> were to raise money, form a stock company, and establish a large trade in negro slaves between Africa and Brazil. In order to secure the confidence of the common people in the scheme and so get them to put their money into it, the government was asked to give its sanction and to stand back of the company in the way of certain grants and privileges which would give them all necessary freedom to carry out the plan. In return for this government backing, the company agreed to pay off the national debt <sup>o</sup> of England.

From the beginning, Walpole, the Prime Minister, was opposed to the scheme as being one unworthy the backing of a government. Then, too, a similar scheme had been worked in France and with the same promises to the government. It had never paid, however, and the people of France—the stock-holders—had lost their money, and with it faith in the integrity of their government. Walpole feared a

similar ending for the South Sea Company and fought against it from beginning to end. The Company, however, succeeded in interesting several members of the Cabinet in their venture and in making them believe that the Company had a better plan than had the inventors of the French plan. The Company, then, went ahead with its scheme, sending out pamphlets promising fifty per cent interest upon the money invested. This was, of course, a great temptation to the people; and, as the Company had the backing of the government, the investing public felt perfectly secure.

The scheme prospered for a while, and the stock market was filled with people fighting to get a chance to invest their little earnings. But one day the Bubble "burst," and the people learned that the whole enterprise was a fraud. Thousands lost all they had invested—ruined by the failure of the South Sea Company.

The condition of these people seemed pitiable; then came the cry for vengeance. Investigation was demanded by the House of Commons. One of the members of the Cabinet who had been implicated in the fraud was imprisoned in the Tower of London<sup>o</sup>; and another member killed himself rather than endure the disgrace which investigation was sure to bring to him as well as to many others.

Although this Company failed, and in failing defrauded many people whose money had been taken and invested, nevertheless its promoters had reserved enough money to enter into another project as bad, or worse. Now, the slave traffic on the coast

of Africa was fast becoming lucrative; and, accordingly, this Company asked George I for royal authority to enter into this slave trade and to *retain the monopoly of it for the colonies*; that is, virtually force slave labor upon the colonies.

The colonists proved averse to slave labor on the ground that it was better to give labor into the hands of the poorer white people who needed work in order to earn a living for themselves. Of this the company complained; and, in keeping with the methods of those times, the colonists were told that *they must submit to the importation of slaves and must encourage it*; for in those days, English kings and merchants seemed to think that the colonies existed for no other reason than to create commerce and trade for the home country. This principle, as we shall soon see, was what finally brought on the Revolution and the Declaration of Independence. In the course of time, then, slave importation became a regular traffic between Africa and the American colonies; and in time so many slaves had been *imported that they became an actual necessity*. White men would not work side by side with these unfortunate half savage, half civilized laborers, and the south was now forced to import slave labor whether they wished or not.

It is interesting to read the arguments used in these days of the opening of slave traffic, by the merchants of the London Company, and also by some members of Parliament.

"The emigrating white," they said, "shows himself a dangerous freeman. He is defying the English

authority and is fast becoming a rebel. Let us, then, import black men rather than emigrate white men; for negroes will never attempt independence." This argument we find in a political pamphlet of the times — 1745 — entitled:

THE AFRICAN SLAVE TRADE  
THE GREAT PILLAR OF SUPPORT  
OF THE  
BRITISH PLANTATION TRADE IN AMERICA

Then too, the pamphlet goes on to say that "if the southern colonies are peopled with white men from England, they will soon begin to manufacture, and we should find our home manufactories suffering from the competition. We have just read of the development of the colonies. Negro workmen, however, will keep our home industries secure, for negroes will never be able to manufacture; therefore through them we shall keep our proper authority over the colonies."

Georgia, which was now a well-established colony, appreciated from the first what this frank doctrine meant to the colonies themselves and so made an early law restricting slave importation. This, however, only brought down the more heavily upon Georgia, the anger of those financially interested in the success of the South Sea Company.

Any restrictive measures which the colonial governors urged upon the king were ignored, and word was sent to each governor commanding him to see to it



that slave importation be pushed to its utmost and that no tolerance be shown towards anti-slave agitators.

Such, then, were the beginnings of slave trade in our colonies; a trade which was carried on with increasing vigor during the reigns of the rulers who followed until after the Revolution. Then a clause in the Constitution prohibited it — the prohibition to go into effect in the year 1808.

George II succeeded to the throne at the death of George I. This king could at least speak English and it is to his credit that he tried to understand the country over which he was to rule. But his reign is a story of foreign wars, and there was little time for Parliamentary matters in behalf of the people.

First came a war with Spain; then war in behalf of the Austrian succession, which concerned the interests of England; then war with the "Young Pretender"<sup>o</sup> — a son of the "Pretender" — who had now grown up and was demanding the throne which he claimed should have come to his father on the death of William<sup>o</sup> and so in turn to him. Then war in the East — in India; and finally that war which came to mean so much to the Colonies — the last and great French and Indian War.

The war in the East gave India to England; the war in America gave North America to England. The period was, then, a period of great national expansion; but it left England so deep in debt that the next king, George III, was distracted; Parliament turned every way to raise money, and in the end the colonists rose in rebellion at the seeming injustice

of the taxes which were levied upon them with which to pay these heavy national debts. It was a great thing for England to have gained India; but it brought about serious national dissensions, as we shall soon learn, for which the country and the colonies paid a bitter price.

"I glory in the name of Britain," said George III, in his first address before Parliament.

"What a lustre doth it cast upon the name of Britain," said the fawning speaker for Parliament, in reply, "that you, Sire, are pleased to esteem it a glory."

And with this exchange of compliments, George III began his reign.

Now it will be worth our while, since this period is one so full of thrilling interest, and is so closely connected with our own American history, to understand the political parties in existence at the time when George III came into power.

The Whigs,<sup>o</sup> who *stood always for progress in matters of liberty for the common people* and for due restraint upon the king and his advisors, had been in power for the last half century; since the overthrow of the Stuarts.

The Tories,<sup>o</sup> who were *always supporters of kingly power and the rule of the Established Church*, conservatives we would call them to-day, had been almost entirely shut out from political power during this long period; and yet, for all the Whigs had been so long in power, they had accomplished very little for the people, because their energies, their time, their thought, had been almost wholly consumed in the



struggle to keep the Hanoverian kings upon the throne, and in thwarting the schemes of the Tories who were ever on the watch *for an opportunity to restore the Stuarts*. For a half century, then, progress had been at a standstill. During this period, Sir Robert Walpole was the leader of thought; and no easy time did he have of it, for many of his own party had grave doubts whether, after all, it was right to have ignored the son of King James Stuart and to have put a Hanoverian upon the English throne. Stories are told how, in one Whig family, it was observed that whenever the head of the family began to pray for George III, a goblin which had for some time persecuted the family, would appear and in some way or other manage to disturb the household.

The effect of this unsettled state of mind had its effect upon the politics of the time. Indeed, a peculiar condition had come about. *The Tories, who were always in favor of giving large power to a king*, were now arrayed against a king. On the other hand, *the Whigs, who were always working to restrain the power of a king*, had been forced to place more power than they really approved in the hands of each of the Georges; for the simple reason that the Georges had needed considerable power in order to protect themselves from the intrigues of the Tories, who were always on the watch for some opportunity to strengthen the cause of the exiled prince.

At last, however, under George III, who was at least English born, and who, there was no doubt, had the welfare of the English people at heart, the Whigs began to feel that the Hanoverian family was secure

upon the throne, and that the king could afford to lessen a little his grasp upon the reins of government. But strange to say, at the same time that the Whigs began to arrive at this conclusion, the Tories began to reason that if they could *not have the right king upon the throne* — the king “*de jure*” — it would be better to make the best they could of this usurper — this king “*de facto*.” Would it not be better, they asked, to re-establish, even through this Hanoverian king, some of the conditions that belonged to kingship? That is, would it not be well for them to support the *office* of George III and so restore to the Court and Cabinet *those kingly rights and dignities*, which they believed were best for any country? “We do not for a moment,” said the Tory leaders, “pretend any loyalty to George III himself — *it is his office only that we respect*. Little, it is true, can be done with this dolt of a king; but there is a grandson — a mere child — and let us remember that the mind of a child is like wax to receive impressions and like marble to retain them. Let us, then, surround this grandson with conditions which shall influence him and train him into our ways of thinking.”

Now the Earl of Bute, who was George III's closest advisor, was just the man to work into the hands of the Tories at this time. “It was Bute,” says one historian, “who took the first step backward towards absolutism. It was he who formed the political opinions of George III, he who grafted the notions of king-craft upon the plain, homely, farmer stock of the Hanoverians. The result was peculiar; for it made George III, who was a pain-

staking, plodding man of business, into a king filled with the ambitions of an aristocrat; and he toiled like a 'warehouse clerk' to restore royal authority to the place where, influenced by the Earl of Bute, George III now believed it should be."

The divine right of kings! Yes, George grew more and more convinced that kings were in truth ordained by God to rule; and that it was, in truth, best for any people to be so ruled. Poor foolish Hanoverian! Had he been left to live his life as an Elector of Hanover, he might have lived in peace, at least, have done no harm. But now, placed upon the English throne at a time when English politics needed the wisdom of a statesman he found himself under the influence of a man as weak as himself and compelled to act as the ordained agent of God for the good of the country."

"Some writers," one historian says, "describe King George as a fool with flashes of madness. This, however, seems hardly fair; for although he was indeed simple and short-sighted and easily influenced, he had in many respects good sound sense. His mind while sane, was dull, prosaic, and literal; it was only when his authority as divinely appointed king was brought into question that he became insanely angry. Then, it is true, he was beside himself with wrath. He describes himself as trembling from head to foot with rage; and it is quite true that his first attacks of insanity or insane anger were brought on by Grenville and Wilkes, whom he hated with all the power within him.

In his sanity, he is plain Farmer George and with little that is kingly about him, hurried and flurried

in speech and manner, undignified in appearance, and behaving, when his kingly rights were neglected, irritably and obstinately — more like an irascible partner of a business firm than like an imperious monarch.

When George III became insane, he became a sadly tragic figure in history, as we get glimpses of him, now tormented by a semi-consciousness of his own condition, now talking of high affairs of State with Ministers long since dead."

Indeed, the overthrow of the Stuarts, in consideration of the Hanoverians, who were chosen to supplant them, was not a wholly good thing for England, since it brought so weak a king to the throne and placed the political parties in so strange and strained a position — both parties standing for the support of the king, but each with such wholly different motives. One of the famous toasts of this period, gives us an idea of the feeling of the parties toward each other and of the feeling of the common people for the parties:

Long live the King!  
Down with the Pretender!  
God save the King,  
And bless our Defender.  
But which the Pretender is,  
And which the King is,  
God bless us all — that's another thing!

So it was, then, that at this critical period in the history of England, in those years which meant so much to us as Americans, there sat upon the throne



a king who was chosen by the Whigs and supported by the Tories; a king who, though dull and stupid and half insane, had it in his power to give his own weak character to the whole English Court and Cabinet; and at a time when England needed the wisest and the best of influence and advice.

Not only was the English Government rent by these two conflicting parties — the Whigs, who stood for the progress of the Common people, and the Tories, who stood for the Divine Right of Kings to rule and the natural duty of the people to obey — but a third party had sprung up. *Pitt's party*, it was called. This party had as yet little control over Parliament, but Pitt<sup>o</sup> was the idol of the Common People, and whatever he said had great influence.

The Tories were still clamoring for continuance of war with France either upon European soil or upon the sea. The Whigs, too, were, on the whole, in favor of continuing the war; for they felt that they had not made enough out of it as yet to pay for the money expended or the blood wasted. Pitt's party, however, was strong against war upon land. "To carry on this war," said Pitt, "and to make treaties with other European countries, as we should have to do, will mean keeping a standing army.<sup>o</sup> This," he added, "would be most unwise. We have debt enough already; and more than that, we would better put our money into fleets rather than into an army; for, situated as we are, a mere island, we are naturally a maritime people. Trade is our natural employment; and trade and a navy go hand in hand. If we

enter into a European compact, we shall have to take part in every European quarrel; and in pursuing such a course, we shall dribble away our money and shall have wasted our forces in attacking France at her strongest rather than her weakest point."

To this wise view, England was won over by the eloquence of Pitt; and there was no continuance of war with France at this time. Indeed, even the opponents of Pitt were on the whole glad when the war discussion was dropped; especially as taxes now began to rise with which to pay off the debt incurred by the French and Indian War in America. Until the rate increased, there had been great rejoicing in England over the wholesale defeat of the French in America, and no little self-glorification; but now another side of the war was being pressed upon the attention of the common people. There was a *National Debt* now to be worked off, taxes to be raised to pay for the glory that had come from the *Seven Years' War*.

Now, the very merchants who had brought on the war began to grumble and to growl; and the noise of their grumbling and growling began to harass the ears of George III and his Cabinet.

"The war debt! the war debt! the war debt!" the air was filled with the cry. No one talked of anything else; and the people began to condemn and criticise. Certainly we can afford to excuse much of George III's irritability and irascibility and confusion of ideas during this period, when we consider what a task lay before him and what a swarm of criticisms buzzed about his head.



“What shall we do? What shall we do?” George asked of his Prime Minister, the Earl of Bute. But the Earl of Bute was not the man to give aid in a time like this. Never before or since has there been so unpopular a Prime Minister in England, nor one who appeared more stubborn and short-sighted. His great aim was to keep up the idea of divine rights, to make a real and lasting peace with France, and to keep out of alliances with Germany. These were his three interests; and for them he worked honestly. As to how to pay off the debt of the French and Indian War, however, he had no advice to give.

“We must find some new way for taxing the people of the realm, for we cannot expect the colonies to pay the whole debt,” said George.

The matter was brought up in Parliament where, over and over, the Ministers of King George recited the story of England’s National debt incurred in protecting the American colonies.

For days the debate in Parliament ran high. Many schemes were suggested, but none were satisfactory to the majority. In despair, Grenville,<sup>o</sup> a later Prime Minister, rose to his feet and exclaimed, “Where, where, tell me, sirs, where can we lay another tax?”

Pitt, who was keen and quick, began at once to sing softly a line from a popular song which was just then going the rounds in England — “Gentle Shepherd, tell me where.”

At this the House burst into laughter and Grenville sat down discomfited.

In the end, however, it was decided to place a tax

upon all French wines and also upon those farmers in the fruit sections who made and marketed cider.<sup>o</sup>

At this, however, the cider merchants rose in rebellion. "You are ruining our trade," they said. "We cannot sell cider at the price we would have to ask with this tax added to our present expenses. More than that, such a tax is an Excise,<sup>o</sup> and we, the English people, will have no more of Excise. Should this bill for taxing cider go through the House, the Excise officers could raid our houses; and if one found a gallon of cider he could declare the householder an enemy of the government; nor could the accused so much as attempt self-defense without laying himself liable to a fifty-pound fine."

George had hated Grenville from the first; and after this he delighted in calling him the Gentle Shepherd in private and storming at him in public. "He is insolent; he is disobliging; he has no reverence for the king"; and he might have added, "he is as stubborn and mulish as the king himself." This dislike of the king for Grenville and Grenville's equal dislike for the king, we must keep in mind; for it is often said that King George and Grenville were hand in glove and that Grenville did whatever the king bade him. This was not so, however; and it helps us, knowing this, to understand the better how it was that Grenville, driven to distraction by the ravings of George III for money, and feeling that something must be done, invented the Stamp Act as a last resort. It helps us to appreciate that he was not wholly to blame if he acted not quite in harmony with the demands of the common people both in England

and in America, that there should be *No Taxation Without Representation*.

TOPICS FOR CLASS RESEARCH

The Young Pretender.

William of Orange.

Whigs and Tories.

William Pitt.

Grenville.

The Cider Tax.

Excise — the history of Excise in England.



## NO TAXATION WITHOUT REPRESENTATION

"Are there not Navigation Acts,"<sup>o</sup> asked George III, "which have not been properly enforced?"

"Yes," said the Cabinet; "but Navigation Acts are unwise; and have thus far failed to perform that for which they were intended."

"Failed!" cried George III, "but why have they failed? Because there has never been a Cabinet with force to carry them out! Let us, Sirs, see to it that from this time on, revenue come from these Acts and that the revenue be used in paying the interest on the £2,800,000 which we must borrow."

"Navigation Acts will never succeed," said Grenville wisely.

"Why not?" roared George, who hated Grenville as he hated vipers, and who declared that Grenville knew nothing except to thwart the orders of the king.

"Bring out the Navigation Acts!" said George. "Let us see them! Of what use are laws if they cannot be enforced? We will see that they *are* enforced!" So the Navigation Acts were brought before the Cabinet and were read to the king.

*The first Navigation Act*, it was recalled, was passed during the reign of King Richard II, who realized,



even in his time, that England's need was a large and powerful navy. "The way to increase a navy, at least, a merchant navy," he said, "is to demand that all merchandise passing to and from the colonies of England *be carried in English ships*. The more merchandise, the more ships; the more ships, the stronger the navy." Certainly this was simple. "Any one could see that," said George.

Edward IV was the next king who had his attention called to the matter of Navigation Acts; and he declared that henceforth *no foreign ships should carry English wool, nor should any English merchant freight any foreign ship with wool*.

"Excellent reasoning," said George III.

Henry VIII<sup>o</sup> continued the policy of Edward IV; for under his reign we find a statute saying *that no wines shall be imported except by British subjects upon British ships*.

"Most excellent," said George.

Henry VIII, however, began *selling licenses to certain merchants*, permitting them to buy and sell, import, and export in contradiction to these laws.

James I<sup>o</sup> went a step further. *He sold monopolies to certain merchants*, that is, he sold the exclusive right to import and export certain goods. For example, he allowed the London Company to impose a tax upon articles bought or sold outside the realm.

Sixteen years later, James issued a proclamation forbidding the colonists from cutting lumber of a certain size. Also he *forbade anyone but the colonists trading with the Indians*.

Ten years later, Lord Baltimore's Charter<sup>o</sup> de-

clared that all merchandise *from that colony must first be brought to England; but that it might afterward be re-exported to other countries.*

Later James declares that no tobacco should be sent from the colonies *except in English ships.* When Charles I<sup>o</sup> came to the throne, he issued a similar proclamation and also *ordered that the original Navigation Acts be put in force.*

“That is right! that is right!” exclaimed George. “And that is what we shall do again.” Accordingly King George’s Parliament re-issued the Navigation Acts and the colonies were informed that henceforth they were to be obeyed; and that the money from the shipping would be used in paying off the National debt incurred in carrying on the French and Indian War, which had been *for the defence and protection of the colonies.*

“For the defence and protection of the colonies!” laughed the colonists. “Does George III think that we Englishmen on this side of the Atlantic know nothing of England’s interests? Does he think that we do not know that England’s feud with France was in existence before either he or we were born?”

Now, as if the increased debt and the new taxes were not enough to cause rebellion and unrest among the people, there came this year one of the most terrible droughts that England had ever known. This Drought of 1762 was so far-reaching in its disastrous effects, that thousands of cattle lay dead in the field; and when later a great flood followed, an equal number of sheep and lambs were drowned. The grain crop was ruined; wheat rose to fifteen shillings a



quarter, meat was proportionally high; and the country swarmed with homeless and starving people.

"The debt is still £140,000,000," said King George, when he laid his papers before his Cabinet. And the burning question is, "How is the money to be raised?"

"We must raise another tax," said the Cabinet. "But this is more easily said than done; £2,000,000 can be taken from the sinking fund;<sup>o</sup> £1,800,000 can be raised by striking exchequer bills;<sup>o</sup> but there are still £100,000,000 yet to be raised. This might be borrowed, it is easy to borrow; but where is the money coming from with which to pay the interest?"

King George groaned in spirit — for the misery of his people, let us hope; but certainly for the condition of the National Debt, which, under these conditions, bid fair never to be paid.

The Navigation Acts, meanwhile, had not proved the success that George had sworn they should, and, worse still, the colonists were shirking their part of the responsibility, so George felt, in that they were smuggling and on every hand defying the port officers.

"Devise some way to bring those ungrateful colonists to terms," George demanded of Grenville. "Devise a way!" And had George III reigned a century earlier, he would have threatened Grenville with imprisonment or hanging if he failed.

It was at this time, then, that Grenville brought forward his Stamp Act. The stamp scheme, Grenville had himself presented to Franklin who, as Minister from the Colonies, was then in London;

and Franklin, knowing the starving condition of the common people, and knowing that the colonists were in deep sympathy with their suffering fellow-countrymen, and also knowing that the Colonists were quite willing to pay a fair share of the National Debt, told Grenville that he believed he had indeed invented a method that would be as acceptable to the Colonists as any scheme could be at this time; when Representation rather than Taxation itself was the bone of contention between George III and the American Colonists.

Accordingly, Franklin himself wrote to the governor of each colony, telling him of the proposed tax and asking that the matter be presented to the people in the colonies, after which the governor would please write Franklin of their opinion.

The weeks passed; and replies came to Franklin from only two out of the thirteen colonial governors. "It seems," said Franklin to Grenville, "that the Colonists make very little rebellion. Certainly, they do not, as I requested, offer any better method of raising money for the National Debt."

And so it came about that when Grenville at last put his stamp bill tax before Parliament, it was accepted and the bill became a law. No one dreamed of the convulsion this well-meant tax was doomed to bring about. Indeed, it was considered of so little import that there was little debate in the House and the newspapers hardly mentioned it, so many other matters were there before Parliament of much greater interest.

Now it chanced that when George III was being

crowned the largest jewel in the crown fell to the floor. "An omen! An omen!" cried the people. And in the years to come, after the American Colonies had separated from England (and largely because of this Stamp Act) people were fond of recalling the incident at the Coronation and declaring that the American Colonies were the largest jewel in the crown of England.

The story of the excitement in the colonies when the Stamp Act became known, and especially when the Stamp Act Agents came over with the stamps, is well-known to every American boy and girl. What happened in England at the same time and over the same Stamp Act, is not so well-known.

While excitement over the Stamp Act was going on in America, George III was taken very ill; the first of the many illnesses which finally destroyed his mind and left him a helpless wreck.

Grenville had by this time become so unbearable to him that it is said that he could not bear to see him enter his door.

Once it was suggested that Pitt be made minister in Grenville's place; and bitterly as George III hated Pitt — The **Great Commoner** — as he was called, he said, "Yes, yes; any one, any one, so that I be rid of this hateful Grenville!"

Grenville, however, went on in his office of Minister for some time yet, and Pitt was quite content to wield his power from his seat in the House of Commons.

The time had come, however, when something must be done in regard to the matter of home protection. Every day business in England grew less and

less; failures were frequent and bankruptcies more frequent. Once when George went out to ride, his carriage was surrounded by a procession of weavers all in black, waving black banners. These weavers were men who had been thrown out of work and who were starving. Everywhere there were riots and some of the sailors mutinied. Something must be done; and so a day was set aside by Parliament for a debate upon the subject of American Taxation.

"If I can crawl or be carried, I will be there to free my heart and my mind," said Pitt, whose gout was growing worse.

At the appointed hour, Parliament assembled and George III made his opening speech. In spite of all that the Navigation Laws and the Stamp Act had done in America and in spite of all the misery that had come from them in America, George's speech contained not one word of promise, not one word of suggestion. Not a line was there tending to pacify the colonists, much less to yield them justice. From everywhere in England, from the colonies, and even from Jamaica, where commerce had been destroyed and the beautiful island laid waste because of the foolish and short-sighted Navigation Laws, petitions had come to George III and to Parliament. All told the same story of trade destroyed, of factories closed, of workmen thrown out of work and of suffering and starvation. But of all this George III said not a word. He closed his feeble speech and the *Great Debate* opened January 10, 1766. The question before the house was not so much whether or not the Stamp Act was to be allowed to stand, as



whether Parliament had or had not a right to tax the Colonies.

"There cannot be two rights existing at the same time," said Lord Lyttleton;<sup>o</sup> "the right of a Parliament to make laws and the people to disobey them. Government," he said, "must rest somewhere or there is an end to government. Are the colonies a part of Great Britain or are they not? If not, we have no right to tax them, and that admits that they are independent. If they *are* a part of Great Britain, they are subject to Great Britain and they should pay their taxes. If the colonies are excused, we shall next be asked to excuse the crown's subjects in England."

"I am not contending that the colonies are independent," said Lord Camden,<sup>o</sup> "but I say that there are superior legislations and there are inferior legislations; and there are some things which superior legislation cannot do — it cannot take away private property; it cannot condemn a man by a Bill of Attainder <sup>o</sup> without giving him a hearing. Guernsey, the Isle of Man and Ireland tax themselves. Why not allow the American colonies to do the same? And, gentlemen, even though the Colonies had no right to tax themselves, I maintain that it would be an excellent plan to allow them to do so."

"British Parliament," said Mansfield, "represents the whole British Empire, and it has power and authority to bind every part of it and every subject within it. There is no need for 'representation.' The Crown represents the entire empire."

"The gentleman who has spoken is right," said

Ex-Treasurer North;<sup>o</sup> "every government has the right to impose taxes arbitrarily upon all its subjects. It is best for the American colonies themselves that they be obedient to authority. Already they have fought among themselves and if we are to have no authority over them, it will end in continual feuds. The Englishmen in the colonies are as much represented in Parliament as are the Englishmen upon English soil, for out of nine million Englishmen *in England* only one million have the franchise. Why, pray, should we favor these Americans? What have these Americans done to deserve favor? They have called meetings and have passed Resolutions by which, in my opinion, they have forfeited their charters. The colonies have grown too large to be governed by the simple charters which were granted them in the beginning, and it is best that the Crown form some plan of laws for them. If they withdraw their allegiance, we will withdraw our protection and then, what?"

And now came the war of words between Pitt and Grenville. Pitt rose to his feet, and in a voice so low that every man was forced to listen, he began: "As to the late Ministry," said he, turning to Grenville, "every measure they have taken has been entirely wrong. As to the present ministry, I have no objection, I have never been sacrificed to them; still, I cannot give them my confidence. Some of them were kind enough to ask my advice; still I cannot give them my confidence, for confidence is a plant of slow growth in an aged breast, for methinks I see in comparing events, that we have an overruling

*influence* — looking straight at Bute as he spoke. “Could I have submitted to *influence*, I might now be in the Cabinet! But I could not; I would not be responsible for the acts of others.

“It is a long time since I have been in Parliament; I was not here when this tax was laid upon America. Had I been able I would have been carried here and laid gently down upon the floor that I might have borne testimony against it. It is now an act that is passed. I would speak with decency of every act of this House, but I would speak with freedom. This, gentlemen, is a subject of greater importance than has ever come up in this house since a century ago when the question was whether we ourselves were to be bond or free.

“I will speak on only one point — on the *right* of the Crown to tax the colonies. Gentlemen, I consider that the Crown has no right to tax the colonies. And yet, I assert the authority of this kingdom over the colonies to be supreme in every circumstance. But the colonies are the subjects of this kingdom; they are equally entitled with ourselves to all the natural rights of mankind and the peculiar privileges of Englishmen. They are equally bound by its laws, they equally participate in its constitution. The Americans, gentlemen, are sons of England! Taxation is no part of legislative power. Taxes are a voluntary gift and grant of the House of Commons alone. In ancient days, the Crown, the clergy, and the Barons possessed the lands. Even then the Barons and the clergy made their grants to the Crown. But now the common people possess the land. The



church has but a pittance; the property of the Lords is little in comparison with that of the commons. *And this House represents these Commons!* When, therefore, in this House we give and grant, we give and grant that which is our own. But in an American tax, what do we do? Do we give and grant that which is our own? No, we give and grant that which belongs to the Commons in America.

“There is an idea in the House that the Commons in America are represented. I fain would know how they are represented. Are they represented by the Knights in any county of this kingdom? Are they represented by any Representative of any Borough? The idea that America is represented in this House is an absurdity. It does not even deserve refutation. We have bound the colonies by restrictive navigation laws, we have bound them by our own laws; we have done everything except to take money out of their pocket without their consent.”

And now George Grenville took the floor. “I am not able,” he said, “to understand the difference between an external and an internal tax. That this country has supreme authority over America has been acknowledged. It cannot be denied; then it has a right to tax America. It is a right which any government has. It has always been exercised over people who were not represented. It is exercised to-day over the India Company and over the London merchants and over the proprietors of stocks; why, then, not over the Americans?”

“When I proposed to tax America, I asked if anyone in the House had any objection — no one had.

Great Britain protects America; America is bound to yield obedience to the country that protects her. When America needs the protection of England, she asks for it, and she has always received it, amply and generously. The nation has run itself into enormous debt to protect the colonies; and now when we ask them to assist in defraying this expense, they object. They renounce our authority, they insult our officers, and break out, almost I might say, into rebellion.

The seditious spirit in the colonies is due to the factions in this House. Gentlemen in this House care little what they say if only they may oppose. When the matter of this tax came up, they told us to expect rebellion — to expect disobedience. What was this but encouraging the Americans to resist?"

Here Mr. Grenville ceased speaking. In a second, a dozen men were upon their feet, among them Pitt.

"Pitt! Pitt! Pitt!" cried the House, and Pitt was given the floor.

"I am not making a second speech," said Pitt, "but rather did I reserve this part of my speech that I might save the time of the House. I am compelled, however, to proceed. We have been charged, gentlemen, with giving birth to sedition in the colonies. We spoke our sentiments on the subject and now this act is considered a crime. Has it come to this, that free speech in the House of Commons is a crime? The gentleman who has just spoken tells us that the Americans are obstinate — that they are almost in rebellion. I rejoice that America has resisted! Three millions of people so dead to all feelings of

liberty, as to submit voluntarily to be treated as slaves, would be a fit instrument, indeed, to make slaves of.

"I am no courtier of America. I stand for the kingdom, I maintain that Parliament has a right to bind, to restrain America. I maintain that the right of Parliament over the colonies is surpeme; but when one country rules over another, she must so rule as not to contradict the fundamental principles that are common to both.

"The gentleman asks when were the colonies freed from the rule of the Crown? I ask when were they made slaves? The profits from the colonies last year were two million; it was the fund with which you carried on the war. Thus has America paid for her protection. . . . In closing, I beg the House to allow me to express what is my opinion: it is that the Stamp Act should be repealed absolutely, totally, and immediately."

Following Pitt came Nicholson Calvert.<sup>o</sup> "I have changed my mind since last year," said he. "I then thought that nothing could be more fair than that the colonies be taxed and so pay for the expense of the war which was carried on for her protection. But Mr. Pitt's argument that we should bear in mind that the colonists carried with them into their new homes the same spirit of liberty which abides in the heart of every Englishman, I see that the right honorable gentleman's reasoning is right. Two principles he places before us — one that in every free country no man can be taxed without his permission; the other that in every land there must be a supreme

power, a supreme legislature. But whether right or wrong to tax the colonies, I ask, is it *expedient* to do so just now? Taxation of a country like America is a very different thing from quelling a mob like that which recently came out to meet our sovereign.

“It matters little just now whether the colonists are right or wrong. The question is, *dare* we tax them? *Dare* we drive them on? Let us not, sir, drive them to despair. The despair of a brave people always turns to hate.”

#### TOPICS FOR CLASS RESEARCH

Navigation Acts.

Richard I.

Edward IV.

Henry VIII.

James I.

Lord Baltimore's Charter.

Lord Lyttleton.

Lord Camden.

Bill of Attainder.

Lord North.

Nicholson Calvert.



## COLONIAL ADMINISTRATION

It was about this time that a pamphlet written on "The Administration of the Colonies" was printed in England. This pamphlet set forth very plainly what certain Tories thought of colonies and their duties to a Mother Country. It began by setting forth the commercial conditions then existing between England and the Colonies, and then went on to state the duties of each to the other. It is valuable to us here because it helps us to understand the real story of Colonial resistance.

"Commerce now rules the world," the pamphlet said. "At the beginning of the French and Indian War, commercial honors were about equally divided between England and France. To-day, the honors are all with us, the English. The great thing, then, is to keep these honors. How then shall we do it? There is no denying that the Colonies have their own interests, and that those interests are not at one with those of the Mother Country.

"It is evident, too, that the Colonies have large opportunities, situated as they are, so far from the Mother Country, to set up independence of trade.

"This, however, is the very thing that we must not allow. We must see to it that the profits from colonial produce and manufactures come to England. We must see to it that we remain the only buyers



from the colonies. Again, we must see that these colonies are encouraged to keep separate from each other; for should they learn that they can combine they will soon learn to throw off the English government and set up for themselves. Fortunately these colonies have, as yet, little in common. Let us see to it then, that they remain separate. Better will it be for us to allow them great freedom in home government, each distinct from the other, rather than that they become dissatisfied and so find it necessary to combine.

“We must see that they remain our ‘appropriated customers’; that they export only to an English port, that all exports come through the hands of English officers. Already these colonies have large trade with foreign countries. This we cannot now kill; but we may establish in every port an English office and demand that all Colonial ships unload only at the command of our sovereign and at the warehouses of these English offices.

“We should see to it that whatever laws we make for the colonies are enforced. For example, we have now the law forbidding cutting down trees which are twenty-four inches in circumference. This law is not enforced and the colonists evade it by cutting down trees before they reach that size. This is good neither for the trees nor for the colonies nor for the government.”

This pamphlet, written by an English merchant, shows us how candidly the merchants spoke in those days on colonial restrictions and what they thought. They knew that their own commerce was in danger,

and they hesitated not to admit their fear and suggest methods for protecting themselves.

Another Englishman, interested in commerce, wrote at this time, "If the American Colonies manufacture steel and send it to England, they will injure our trade. If they are allowed to make steel and draw it with tilt hammers, they will soon manufacture steel articles. If they manufacture steel articles, they will export them to our Country; and if they export them they will sell more cheaply than we can and so will ruin our own industry."

For a whole century this attempted suppression of colonial commerce had been going on through Navigation Acts, and Trade Laws — twenty-nine in all! And each one for the express purpose of reducing Colonial manufactures and American commerce. Is it any wonder that one-fourth of the signers of the Declaration of Independence were *Colonial merchants*? Is it any wonder that smuggling had grown in America to be a profession? Is it any wonder that the colonies rose at last in rebellion?

Still, we must keep in mind, for the sake of being absolutely fair, that all Mother Countries treated their colonies in the same way, and all sovereigns considered it right and just. "Colonies must submit to the protecting Country," they said. "And colonies must not injure the Mother Country — for their own final good." And so, while we condemn George III for his course with the American Colonies, and while no government in the world would to-day uphold so foolish a policy, we must, if we would keep our historical balance, keep in mind that after all,

George III did only what any other king at that time would probably have done.

George III was dull and stupid; he could grasp nothing that was new; and he was inflated with his new-born theory of his own divine appointment to rule, and also with his new-born theory that the common people have no rights of their own; but his great mistake was that he did not recognize that his Colonial "Children" had grown up and that therefore he could not and ought not to disregard wholly their grown-up opinions.

The Stamp Act was repealed, to be sure; but the dogged stupidity of George III and his advisors as to why the colonists had rebelled still remained unchanged. Not yet could George see that the colonists, still considering themselves Englishmen, were resenting treatment which they felt would not have been meted out to Englishmen *living upon English soil*. He could not see that in no wise were the colonists *politically different from the Englishmen upon English soil*. Neither could he see what the colonists meant when they asked that their Assemblies be considered as branches of the English Parliament and that they work in co-operation with that Parliament.

"British Parliament must remain supreme," was all the stupid King could say in reply, although Pitt had thundered out his arguments.

And so an act was passed, the Declaratory Act, in which Parliament declared its stand, *i.e.*, that there could be one and only one Parliament and that Parliament considered itself invested with supreme

power to make whatever laws seemed best for the colonies.

Rockingham,<sup>o</sup> who was now Minister, had, if possible, less sympathy with the colonies than Grenville and his cabinet had had. Accordingly, Rockingham resurrected the so-called *Mutiny Act*,<sup>o</sup> which, although it declared that colonies should furnish English troops with bed and food and shelter, had never been put into force.

There seems to have been no good reason why this Mutiny Act should have been dragged out just here when the colonists were still chafing under the Stamp Act. And it would seem as if any large minded Minister would have realized that nothing would be gained by applying another lash. It is so often said that this Act was brought to life as a simple matter of vengeance to show the colonists that Parliament was yet supreme in spite of the apparent victory of the colonists. It is hard to believe, however, that any man versed in politics should have stooped to so petty a revenge. For the most part, the behavior of George III and his advisors were acts of stupidity, rather than of vengeance; and it is possible, even probable, that this too was an act of stupid inappreciation of what the uprising of the Englishmen who were now living on the other shore of the ocean meant.

When the Mutiny Act reached the New York Assembly, it was carefully read; but the Assembly politely refused to accept it. This Act, said the Colonial Speaker, is so carelessly drafted, that even though we were willing to comply with the spirit of it, we cannot pledge ourselves to accept a Bill capable



of so many interpretations. Accordingly a *Compensation Bill*<sup>o</sup> was drawn up by the Assembly and sent to George III.

The Compensation Bill was coolly ignored by Parliament and the ship that brought back the report to the colonies also brought a report that Parliament was about to invent a new scheme of taxation.

The Rockingham Ministry of England lasted only a short time — about a year and twenty days. It was a stupid, aimless Ministry, but there were two or three advances made along lines of liberty during its brief existence. The cider tax was repealed, General Warrant<sup>o</sup> was abolished, a resolution was introduced in favor of abolishing the right to seize private papers,<sup>o</sup> and American trade was freed from some of its restrictions.

The next Ministry was that of William Pitt. In the government formed by him the Duke of Grafton became the nominal head, and Charles Townshend was made Chancellor of the Exchequer — Charles, the spoiled child of Parliament, as he was sometimes called. “Charles, the rollicking, brilliant, irresponsible, whom the papers caricatured with a whirligig in his hands, or as a Jack-at-both-ends in a game of see-saw.” Such is the description of him by one English historian.

The matter of forcing the colonies to pay for the keep of English troops was the important matter before Parliament when Charles became Minister. Grenville, who was the parent of this scheme, quoted many acts of Parliament in the past in support of his scheme. He even quoted his Stamp Act, declar-



ing yet that had Parliament held out with troops there need have been no repeal; and that, moreover, the colonists would have been taught a lesson which would have made future dealings with them more tolerable. "There is no reason," said Grenville, "why the colonies should not, as Ireland<sup>o</sup> does, support its own affairs. I propose, then, that they be taxed £400,000 per year for the support of English troops which we may, if we need, quarter in America.

Townshend arose when Grenville had finished and said, "The Administration has already thought of this; but I have a plan for raising money for our National Debt which, while it will relieve England, will not burden the colonies."

"Hear! hear!" the House applauded.

Townshend continued. "I too am still in favor of the Stamp Tax. But for undue excitement it would indeed have been a success. I laugh to think of the delicate distinction which the colonists make between an internal and an external tax."<sup>o</sup> And in the end, he cried tragically, "Alas! alas! if the Colonists are to pay no taxes, England is ruined — ruined!"

At this, Grenville sprang to his feet. "Cowards!" he thundered. "You dare not tax America!"

"Cowards!" cried Townshend springing again to his feet. "Cowards, did you say? Did you say I dare not tax America? Did you say that I am afraid of America? Then dropping his voice, the excitable Townshend said, "I will tax the colonies. I will prove to you that I *dare* tax the American colonies."

"I hope I may live to see it," sneered Grenville.

"You will live to see it," cried Townshend.

"Has Townshend a scheme in his head or is it only high tragedy?" the Members of Parliament asked each other, as the days went on; but no one could tell.

At last, however, after some time had passed, Townshend came forward with his scheme. Parliament made itself ready to listen; for he had insinuated so much that the members believed that Townshend had indeed invented some unique plan for raising money from the colonies.

"I propose," said Townshend, "a bill which we shall call *A Revenue Bill*.<sup>o</sup> It is, of course, a method for raising money in the colonies; but since it is not *called* a tax I am hoping that the pride of the colonies will be spared offense. Through this revenue bill, I propose to lay a tax upon the following articles: paper, glass, paint, and tea."

"There will be little revenue from those articles," sneered some member of the House.

"These articles would, I admit, bring not more than £400,000 a year," said Townshend. But when he was asked what then was his object in making a revenue bill based upon these articles, he made no reply. Historians are yet wondering what his object was. Did he do this to punish the colonists? Did he think such a bill really worth while? Or did he invent the scheme simply to show Grenville that he dared tax the American colonies?

"This is foolishness," Grenville said; "I have a better scheme myself. Let us make paper money

and loan it to the colonists, they paying their tax thus in the form of interest."

"That is a good plan," said Townshend; "I had myself thought of it. Nevertheless the "good plan" was not passed, and the Revenue Bill was.

Townshend's next scheme was that a suspension act ° be passed. "By that I mean," he said, "an act by which the Assemblies of the colonies be made to suspend — disband — until the colonists are ready to agree to take care of our troops as we have asked them to."

The Suspension Act was passed and Townshend perhaps showed his true spirit when he said, "This will teach the colonies a lesson!"

When the Revenue Bill reached the colonies no words can express the indignation of the colonists. "This is an insult," they said. "Paper, glass, paint, tea! Mere trifles! Has this bill been passed as an intended insult? Intolerable!"

In Boston, a meeting was called in Faneuil Hall and a vigorous protest made.

A long, fiery debate followed — no, not a debate, for not a man was present who did not agree with the speakers, that this Revenue Bill was an insult and an added offense. At the close of the meeting, a document was drawn up petitioning the king.° In the petition, the colonists declared that home industries must be encouraged; that some fifty or more articles would no longer be imported from England since these could readily be made in the colonies themselves. "The time has come," said one speaker, "when we must make England's king and his ad-

visors understand that it is not the *amount* of taxation which we resist, but that it is the *principle*."

When this petition reached England, the Ministry was indignant. "This," they said, "is what comes from having given way to the colonies in the Stamp Act. We have taught them that we are afraid of them, that we dare not legislate against them."

"We had supposed," said one member of Parliament," that America would be grateful for all we have done for her. We had supposed that she would gladly give her part towards removing the heavy debt that was incurred in protecting her from the French and Indians! Alas, alas! the pernicious idea of independence has seized upon the American colonies and already they unite to injure our trade! This combination is, I say, illegal. They have no right to combine against our sovereign! Let us destroy this combination. It may be that we cannot force America to buy of us, but at least we may break up this combination!"

"There is but one thing to do," said Lord North, Chancellor of the Exchequer after Charles Townshend, and who had now succeeded the Duke of Grafton as Prime Minister. "That is to send troops to Boston and force these rebellious colonists into obedience.

"And how shall it be done?"

"We can seize upon their commerce."

"They complain that we have already done that."

"There is more that we can do, and we will. We can close the Boston Port, since the Puritans of Boston seem to lead in this insolence."

Accordingly, the *Boston Port Bill* ° was passed,



forbidding any merchant vessels to pass either in or out of the Boston Port. This was a serious thing to do — closing a port — whatever insolence the Cabinet may have felt had been offered them by the rebellious colonists; for to close a port means to cut off trade, and that means cutting off money with which to buy food. The Cabinet, however, was at its dull wits' end; they saw only that something must be done.

The news of the Port Bill was, therefore, sent across the ocean. The vessel bearing it came sailing up into the harbor one bright morning and the officer on board went at once to the governor.

It would be impossible to describe the scenes that followed. The people as a whole were in a fury of rage. Riots and mobs threatened, and it was all that the authorities could do to prevent bloodshed. More sober citizens, however, were very brave; for they realized the full meaning of the act. It was one that no self-respecting colony could overlook or attempt to conciliate. There was nothing for a colony thus besieged except open rebellion. And open rebellion meant — The thoughtful men dared not think what it meant, for down in their hearts they knew that but one thing remained for them — open rebellion, and the throwing off of English rule. *This no one wished to do;* for in all things the colonists would have been glad to remain Englishmen and loyal to the English government. All they asked was *fair treatment in their commercial life*, which meant to them nothing more nor less than their means of making their living.



Indignation spread through the colonies as rapidly as the news could be carried; and when Salem heard what had happened to Boston, she sent a messenger to say that the tradesmen of Salem would gladly welcome the merchant ships into their own port, and that they would in every way in their power assist the Boston merchants in loading their merchandise upon the outgoing ships.

This and many other expressions of rebellion against the Boston Port Bill only increased the anger of Lord North and his cabinet; and in the end, as we all know, General Gage appeared in Boston Harbor with troops, which he landed, ordering them to pitch their camp upon Boston Common.

This was one of the last acts of King George and his Minister, Lord North. It was, indeed, the last straw upon the already bending backs of the colonists. Meetings were now held in all parts of the thirteen colonies. All realized that something must be done. And so it came about that on the Fourth of July, 1776, the leading merchants and others met in convention to decide what step would best be taken in replying to King George. In the end, as we know, they voted for a "Declaration of Independence" to the King of England and from the English Government. This document was signed by the leading and most influential men of the colonies, *one-fourth of them merchants*, who were qualified to speak upon matters relating to the suppression of commerce.

## TOPICS FOR CLASS RESEARCH

Rockingham.  
Mutiny Act.  
Compensation Bill.  
General Warrant.  
What Restrictions were Removed.  
Townshend.  
Ireland's Support of Its Own Affairs.  
External and Internal Taxes.  
Revenue Bill.  
Suspension Act.  
The Petition.  
Boston Port Bill.

NOTE TO TEACHERS The next period of study upon the Constitution should be devoted to the study of the Declaration of Independence.

## THE DECLARATION OF INDEPENDENCE

*In Congress, July 4, 1776*

## THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever

any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws, the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time after such dissolutions to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies without the consent of our legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation.

For quartering large bodies of armed troops among us.

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States.

For cutting off our trade with all parts of the world.

For imposing taxes on us without our consent.

For depriving us in many cases of the benefits of trial by jury.

For transporting us beyond seas to be tried for pretended offences.

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government and enlarging its boundaries so as to render it at once an ex-



ample and fit instrument for introducing the same absolute rule into these Colonies.

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments.

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the work of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has excited domestic insurrection among us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

He has constrained our fellow citizens taken captive on the high seas to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

In every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injuries. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connection and correspondence. They too have been deaf to the voice of justice



and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these Colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor.

JOHN HANCOCK

*New Hampshire*

JOSIAH BARTLETT	WILLIAM WHIPPLE
MATTHEW THORNTON	

*Massachusetts Bay*

SAMUEL ADAMS	ROBERT TREAT PAINE
JOHN ADAMS	ELBRIDGE GERRY

*Rhode Island*

STEPHEN HOPKINS	WILLIAM ELLERY
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*Connecticut*

ROGER SHERMAN	WILLIAM WILLIAMS
SAMUEL HUNTINGTON	OLIVER WOLCOTT

*New York*

WILLIAM FLOYD	FRANCIS LEWIS
PHILIP LIVINGSTON	LEWIS MORRIS

*New Jersey*

RICHARD STOCKTON	FRANCIS HOPKINSON
JOHN WITHERSPOON	JOHN HART
ABRAHAM CLARK	

*Pennsylvania*

ROBERT MORRIS	GEORGE CLYMER
BENJAMIN RUSH	JAMES SMITH
BENJAMIN FRANKLIN	GEORGE TAYLOR
JOHN MORTON	JAMES WILSON
GEORGE ROSS	

*Delaware*

CÆSAR RODNEY	GEORGE READ
THOMAS MCKEAN	

*Maryland*

SAMUEL CHASE	THOMAS STONE
WILLIAM PACA	CHARLES CARROLL
	of Carrollton

*Virginia*

GEORGE WYTHE	BENJAMIN HARRISON
RICHARD HENRY LEE	THOMAS NELSON, Jr.
THOMAS JEFFERSON	FRANCIS LIGHTFOOT LEE
CARTER BRAXTON	

*North Carolina*

WILLIAM HOOPER	JOSEPH HEWES
JOHN PENN	

*South Carolina*

EDWARD RUTLEDGE	THOMAS LYNCH, Jr.
THOMAS HEYWARD, Jr.	ARTHUR MIDDLETON

*Georgia*

BUTTON GWINNETT	LYMAN HALL
GEORGE WALTON	

## THE ARTICLES OF CONFEDERATION

It was a grand and heroic thing to declare independence from the oppressive government of George III; but a great deed carries with it great consequences and new duties. When the people of the American colonies threw off the English government, they also threw off the protection of that government. Had a foreign power chanced to attack the colonies at this time, the colonies would have been helpless before the attack;<sup>o</sup> for there was for some weeks no fixed form of government; and certainly England would not have come to their rescue, unless, indeed, she saw in their helplessness an opportunity to reinstate her power over the colonies.

Fortunately, no foreign power at the time cared to take advantage of the weakness of the colonies; nevertheless, the wisest statesmen in the colonies realized that some form of central government must be formed and that right speedily. Should war follow this *Declaration of Independence*, and it seemed but reasonable that it should, there would come up many matters which a central government only would have authority to settle.<sup>o</sup> There would arise need to raise an army, for example; need to raise money for equipment, and a central authority to appoint officers. Indeed, a thousand things would come up which separate and jealous states could never properly

attend to, since no one state had authority over any other state.

A delegation of leading statesmen from each colony, then, was sent to Philadelphia, to prepare some form of document which should serve temporarily, at least, as a basis of Confederation.

On the twelfth of July, then, *only eight days after the Declaration*, these delegates reported that they had formed a plan for Confederation<sup>o</sup> and accordingly the following *Articles of Confederation*<sup>o</sup> were drawn up and presented to the states for ratification.<sup>o</sup>

These Articles were accepted by the states — to stand as the Government of the United States of America for the time being.

#### TOPICS FOR CLASS RESEARCH

Duties of a Protective Government such as England was at this time to her colonies.

Duties of a colony to a Protective Government. (Compare England's attitude towards the American Colonies and the attitude of United States towards our colonies.)

Meaning of the word Confederation.

Meaning of the word Ratification.

Assign an "article" to each pupil and discuss it during the class period.

How did the States receive the Articles of Confederation — *i.e.*, with enthusiasm, tolerance, or because a necessity of the crisis?

## ARTICLES OF CONFEDERATION

TO ALL TO WHOM THESE PRESENTS SHALL COME,

*We, the undersigned, Delegates of the States affixed to our names,  
send greeting:*

*Whereas* the delegates of the United States of America in Congress assembled, did, on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the Independence of America, agree to certain Articles of Confederation and Perpetual Union, between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, *viz.:*

*Articles of Confederation and Perpetual Union between the States  
of New Hampshire, Massachusetts Bay, Rhode Island and  
Providence Plantations, Connecticut, New York, New  
Jersey, Pennsylvania, Delaware, Maryland, Virginia,  
North Carolina, South Carolina, and Georgia.*

ARTICLE I. — The style of this Confederacy shall be, "The United States of America."

ART. II. — Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this Confederation expressly delegated to the United States in Congress assembled.

ART. III. — The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on



account of religion, sovereignty, trade, or any other pretense whatever.

ART. IV. — The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States — paupers, vagabonds, and fugitives from justice excepted — shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively: provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction shall be laid by any State on the property of the United States or either of them.

If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State shall flee from justice and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offense.

Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ART. V. — For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the Legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any

term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

Each State shall maintain its own delegates in any meeting of the States and while they act as members of the Committee the States.

In determining questions in the United States in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on, Congress, except for treason, felony, or breach of the peace.

ART. VI. — No State, without the consent of the United States in Congress assembled, shall send any embassy, to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with, any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States in Congress assembled, for the defense of

such State or its trade; nor shall any body of forces be kept up by any State in time of peace, except such number only as, in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use in public stores, a due number of field-pieces and tents; and a proper quantity of arms, ammunition, and camp equipage.

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such a State, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ART. VII. — When land forces are raised by any State for the common defense, all officers of or under the rank of Colonel, shall be appointed by the Legislature of each State respectively, by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ART. VIII. — All charges of war, and all other expenses that shall be incurred for the common defense, or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied

by the several States in proportion to the value of all and within each State, granted to, or surveyed for, any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States, within the time agreed upon by the United States in Congress assembled.

ART. IX. — The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors: entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods, or commodities whatsoever; of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: whenever the Legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order



of Congress to the Legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned; provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme court of the State where the cause shall be tried, "*well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward*": provided, also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil, claimed



under different grants of two or more States, whose jurisdictions, as they may respect such lands and the States which passed such grants, are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the States; provided that the Legislative right of any State, within its own limits, be not infringed or violated; establishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated "A Committee of the States," and to consist of one delegate from each State, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the

United States, transmitting every half-year to the respective States an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding; and thereupon the Legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled; but if the United States in Congress assembled shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the Legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief, of the army or navy, unless nine States assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations as in their judgment requires secrecy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal except such parts as are above excepted, to lay before the Legislatures of the several States.

ART. X. — The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled is requisite.

ART. XI. — Canada, acceding to this Confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ART. XII. — All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART. XIII. — Every State shall abide by the determinations of the United States in Congress assembled, on all questions which by this Confederation are submitted to them. And the articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislatures of every State.

AND WHEREAS, it hath pleased the great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress to approve of, and to authorize us to ratify, the said Articles of Confederation and perpetual Union, know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions which by the said Confederation are submitted to them; and that the articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In witness whereof we have hereunto set our hands in Congress. Done at Philadelphia, in the State of Pennsylvania, the ninth day of July, in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.



*On the part and behalf of the State of New Hampshire*

JOSHIAH BARTLETT,

JOHN WENTWORTH, JR.

August 8, 1778.

*On the part and behalf of the State of Massachusetts Bay*

JOHN HANCOCK,

FRANCIS DANA,

SAMUEL ADAMS,

JAMES LOWELL,

ELBRIDGE GERRY,

SAMUEL HOLTEN.

*On the part and behalf of the State of Rhode Island, and  
Providence Plantations*

WILLIAM ELLERY,

JOHN COLLINS.

HENRY MARCHANT,

*On the part and behalf of the State of Connecticut*

ROGER SHERMAN,

TITUS HOSMER,

SAMUEL HUNTINGTON,

ANDREW ADAMS.

OLIVER WOLCOTT,

*On the part and behalf of the State of New York*

JAMES DUANE,

WILLIAM DUER,

FRANCIS LEWIS,

GOUVERNEUR MORRIS.

*On the part and in behalf of the State of New Jersey,  
Nov. 26, 1778*

JOHN WITHERSPOON,

NATHANIEL SCUDDER.

*On the part and behalf of the State of Pennsylvania*

ROBERT MORRIS,

WILLIAM CLINGAN,

DANIEL ROBERDEAU,

JOSEPH REED,

JONATHAN BAYARD SMITH,

July 22, 1778.

*On the part and behalf of the State of Delaware*

THOMAS M'KEAN,

JOHN DICKINSON,

Feb. 12, 1779.

May 5, 1779.

NICHOLAS VANDYKE.

*On the part and behalf of the State of Maryland*

JOHN HANSON,  
March 1, 1781.

DANIEL CARROLL,  
March 1, 1781.

*On the part and behalf of the State of Virginia*

RICHARD HENRY LEE,  
JOHN BANISTER,  
THOMAS ADAMS

JOHN HARVIE  
FRANCIS LIGHTFOOT LEE.

*On the part and behalf of the State of North Carolina.*

JOHN PENN,  
July 21, 1778.

CORNELIUS HARTNETT.  
JOHN WILLIAMS.

*On the part and behalf of the State of South Carolina*

HENRY LAURENS,  
WILLIAM HENRY DRAYTON,  
JOHN MATHEWS,

RICHARD HUTSON,  
THOMAS HAYWARD, JR.

*On the part and behalf of the State of Georgia*

JOHN WALTON,  
July 24, 1778.

EDWARD TELFAIR,  
EDWARD LANGWORTHY.

## THE WEAKNESS OF THE ARTICLES

Now these Articles were very unsatisfactory in many particulars. The framers of the document realized this at the time, but it was the best that they could do, because of the fear of a central government and of the jealousy and suspicion that existed between the colonies, each fearful lest the other in some way get too much power. The colonists had for a long time been most distrustful and suspicious of each other, although during the recent wrangles over the Stamp Act and other Acts of Parliament, they had stood shoulder to shoulder in a common grievance. They would stand together in the war that they were sure must follow; and still, when it came to forming a central government made up of representatives from each colony, the jealousy was intense lest one colony secure some power which would be of disadvantage to another.

Under these conditions, then, we can readily understand that it was no easy thing for these delegates to draw up a document which would satisfy all of the colonies. No sooner would one delegate offer a resolution, than another would oppose it, fearful lest his own constituency at home blame him for it on the ground that in some way he had not protected the interests of his home colony. Because of these controversies, much time was neces-

sarily consumed in trying to cull out and prune and smooth away difficulties; but at last the document was completed and presented to the people.

The very opening paragraphs of the Articles show the weakness of their power to execute; for although it says that the states shall enter into a firm league of friendship with each other for common defense, securities of liberty, and mutual welfare, binding themselves to assist each other against all force offered to or attacks made upon them, on any pretence whatever, no authority is given the government-to-be to carry out this "agreement" in case any state is negligent.

These words were written in good faith, we know; but when the day of real trial came, the Continental Congress found to its sorrow how like sounding brass and tinkling cymbals these phrases were. For they were preceded by a paragraph which read: "Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction and right which is not expressly delegated to the United States in Congress assembled"; and it was under cover of this paragraph that the States, when a day of trial came, failed in mutual duties and brought about the conditions that bordered upon chaos and anarchy.

In money matters, for example, Congress soon found itself helpless. The Articles of Confederation state that the expenses of Government shall be paid out of a common fund supplied by the States, each according to the value of its lands. The States, however, some of them, refused to pay the tax when it was levied upon them, and Congress found that it



had no power to force the States into obedience to the laws which they themselves had accepted and ratified. Moreover, other States, learning that some were shirking their responsibility, made it an excuse for refusing to send to Congress their own part in defraying the expenses of Confederated government. Like quarrelsome children, they said, "These States haven't paid; why, then, should we?"

Again, the Articles of Confederation had killed themselves as an organ of power by stating that the vote of nine States should be necessary to make any decision on any important matter. Think, then, how five small jealous States might, if they wished, balk the wishes and needs of Congress even though eight States might be ready for co-operation. This unequal representation of power had come out of the Committee's wish to allay the suspicions of the smaller States and to remove their fear of the larger States.

Truly, the Articles of Confederation were, as the wiser statesmen of the day said, mere ropes of sand; and great was the suffering that followed as the result of this condition. The Continental Congress had elected a President, to be sure; but he had no power to execute. Indeed, he was little more than a Speaker, a Moderator. He presided over the meetings of Congress, but that was all.

There was also a committee of States which was authorized to execute the laws, but even these could do nothing until nine States had approved whatever the committee placed before them for consideration.

Why, we may ask, were amendments not made when the weakness of the Articles of Confederation became manifest? But there again Congress was helpless; for in the Articles is a clause which says that no amendments shall be made without the consent of *all thirteen states*. Another impossibility in these days of distrust and jealousy.

And so it was from day to day, the Continental Congress found itself powerless to act, just in proportion as the States were unwilling to co-operate for the common good of the Confederation. These few illustrations will serve, however, to prove to us what the states learned, as time went on, that the Articles of Confederation were a weak compromise; as any form of government must be which does not provide for the independent action of a centralized government. The old saying, "that which is everybody's business is nobody's business," perhaps applies to such a form of government as the Articles of Confederation proved themselves to be; for with each State having independent power to legislate regardless of the common good, there could be no concerted action, no harmony, however great the need.

"Continental Congress," said Washington, "can advise, but it can not demand execution of those things which it advises. It can pass laws, but it cannot enforce these laws nor punish offenders against them. It can declare war, but it cannot demand money to carry on the war." The truth of this, Washington's poor, starving, freezing army learned to their sorrow during that terrible winter at Valley Forge; for it was because of the *failure of*

*the States to send their tax to Congress* that the soldiers were in so pitiable a condition.

At one time, Madison, infuriated that there should be such suffering because of the negligence of the States to fulfil their duty towards their common cause, offered an amendment which provided that the United States in Congress assembled be given full authority to compel the delinquent States to perform their duties of the Federal Government. This amendment did not pass, although every man in Congress knew full well the need there was for such amendment; for the members felt that it would be impossible to gain consent of the thirteen States; and then, too, public sentiment even in the most loyal States, had not yet risen to a realization of the wisdom of granting so great power to a central government. Had the amendment been accepted at that time by the members of the Continental Congress, the probability is that the whole country would have risen in rebellion among themselves; and with the Revolution at its height, as it now was, there was no need for further disorganization from civil strife.





## AFTER THE PARTING OF THE WAYS

In 1781, the American Revolution ended and there were now, not England and her Colonies, but two distinct nations — the English and the American. The long, long road down which, hitherto, these English Common people had traveled, forked now; and henceforth each group, the one on the east of the Atlantic, the other on the west, stood at the parting of the ways. No longer would their history be the history of one people; no longer their struggles for liberty the struggles of one people; henceforth each would struggle and develop and grow along its own lines, unhampered, unhindered, and unassisted by the other. It was a period of readjustment for both, England to a system of home taxation, the colonies to a government without protection from England.

When at last King George III died, he was succeeded by George IV,<sup>o</sup> another Hanoverian — a wild, dissolute youth, who made his reign a period of misery for the English people. Taxes in England were enormous, the debt was almost insurmountable, food was selling at almost famine prices, and people were starving by hundreds. At last the English people, worn out with tyrannical Stuarts and stupid Hanoverians, rose in rebellion and said, "How long are we to bear with this new king? How long suffer under his stupidity — his disregard for his country?"

Public meetings were held; and the city of Birmingham, England, where there were great manufactories and a large number of suffering workmen, called its citizens together and elected a man whom they voted should sit in the House of Commons to represent the industries of the country. Manchester, another manufacturing city, inspired by Birmingham's example, also arose. Through a mistake, however, the king's troops fired upon the citizens and such panic followed that the matter was dropped.

*This Manchester Massacre*,<sup>o</sup> as it was called, drove the workingmen of England on to greater fury; and in London a conspiracy was formed to murder the Prime Minister and all the Cabinet. The conspiracy was discovered, however, and the conspirators were hanged. This over-awed the people; and for a time there was comparative peace. During all this period there was an exchange of letters and newspapers between England and America, and the Common people of both countries were in close sympathy with each others' struggles.

Towards the end of the reign of George IV, the Duke of Wellington became Prime Minister of England; and while he had no sympathy with the uprising of the common people, he had sense enough to know that the time had come when certain reforms must be granted or anarchy would rule the land. This demand by the common people for recognition of liberty had been hastened very materially by the influence which the public newspapers now wielded, free,<sup>o</sup> as we recall, since the reign of George III; for now the sessions of Parliament were open to the press

reporters and every act of its members could be laid bare to the people. Moreover, as in the strikes of which we have read, the story of them was printed and spread broadcast over the country as is done in our own day. Consequently, the people in distant localities now knew what each other was doing, and were no longer kept in ignorance of great national transactions.

"This accursed free press," as George IV called it, kept steadily at work during his reign, educating the people and teaching them to think. Because of this, and the consequent agitation that was brought about among the people who could now, through their daily paper, know in a few hours what had happened in Parliament or in remote parts of the kingdom, it came about that George IV and his advisors were forced, in the latter part of his reign, to grant many reforms; indeed, as we read English history from this time on, we read more often of laws repealed than of any new laws made.

*The Corporation Act Repealed* ° was the heading in the London newspapers one morning, for example; the English people knew that henceforth any man might preach what he believed whether he believed the tenets of the English Church, ° or of the Catholic Church, ° or of the Nonconformists' ° Church, as the dissenters ° were now called.

*The Test Act* ° too was repealed; and henceforth any man fitted by ability for any government office was eligible to election, though not a member of the Established Church. These were long strides towards human liberty; for the country contained now thou-

ands of good, useful, peace-abiding citizens who, nevertheless, were not followers of the Established Church.

*The Catholic Emancipation Act* ° followed close upon the repeal of the Test and the Corporation Acts; and by this Catholics, too, were as eligible to government office and other privileges as were the "Nonconformists."

Against the enactment of this last bill, George IV and the Duke of Wellington fought long and hard; but when they found that opposition was useless, they withdrew their argument and the Bill went through. At the same time, however, Parliament passed a most unfair law excluding the Irish from this freedom on the ground that they were too ignorant to take part in public affairs.

Incensed by this insult to his people, Daniel O'Connell, ° an Irish gentleman of old and noble family, fought for a seat in Parliament that he might, he hoped, bring about a repeal of this act, and also bring about a union of England and Ireland and the restoration of the Irish Parliament.

Some time later, George IV died. Naturally, England did not mourn his loss deeply; for during his reign he had squandered enormous sums of money, and always arrayed himself against the progress of human liberty.

Even for the generous repeals that were made during his reign we can give little credit to George IV or to his cabinet; for the reforms were forced upon the government by the clamor of the common people, who had now arrived at a stage where they were



strong enough to make their wants known and demand of Parliament its respectful attention.

“Much of this,” said the English people, “has come on account of the American Revolution;” and *many a time George Washington’s health was drunk at meetings of the English people.*

#### TOPICS FOR CLASS RESEARCH

George IV.

The Manchester Massacre.

The Free Press.

The Story of the Corporation Act — passage and repeal.

The Test Act — passage and repeal.

The Catholic Emancipation Act — passage and repeal.

Daniel O’Connell.



## THE DANGER PERIOD

It was one thing for the American colonies to have declared their independence; it was another and a greater thing to have fought it out with all Europe watching their struggle, battle by battle, upon the open field; but a greater question still was now to be fought out *among the American people themselves*.

During the period of the Revolution, the colonists were as a whole united in their sympathies through their common cause. This union of sympathies was not, we are forced to admit, quite perfect even during the struggle; for Continental Congress had many a sorry time trying to raise money from the colonies with which to pay the officers and soldiers which these very colonies had sent to war. Often the plans of Washington were seriously hampered; and had the soldiers not been patriotic in very truth, they would many a time have given up the struggle and would have deserted the cause.

"But now the Revolution was ended. The minutemen were at home, such as had not fallen on the battlefield; the bonfires and processions were over; the fetes and feasts were ended; and the States, as we must now call them, were settling down to everyday work and life. The women were spinning, and the men were again in the fields. The smell of powder

had faded away out of the air, and the peaceful sound of the reaper was heard where so recently the cannon had boomed."

So good was it to be home again and at peace, that for a time no interest in the future of the country was expressed.

"Let us alone," said some, when the wiser men urged the need to establish a strong government under which the new States should live and be protected. "Let us alone; some time we may need a strong Central Government, but not yet. Our State Government serves us well enough. Let us abide by it." There were some States indeed that were determined to preserve the State Government, *i.e.*, the Articles of Confederation permanently. "Why," they said, "may each State not build for itself a strong State government and remain free from the possible tyranny of a Central Government?" °

"Because no one State will ever be strong enough to hold out against foreign invasion or against civil strife," was Franklin's wise reply.

"There will be continual war between the States," said Washington, "because of the closeness of location and the wide range of industrial interests. Many States have no natural boundaries, and more than two States often depend upon the same water supply for their manufactures."

"There is another danger still," said James Madison of Virginia. "So great is the difference in latitude and consequently so great is the difference in soil, climate and productions, that not many years would elapse before confederacies between States of



like interest would be formed, and these confederacies would array themselves against each other as industrial and commercial interests grow in importance."

All these arguments the States to some extent appreciated and acknowledged the truth of; still the dread of *any Central Government which might lessen State freedom* remained a great bugbear.

It was quite a step from the State's own Assemblies even to a Continental Congress; it was a greater step still to the weak Articles of Confederation; but the third step *towards a strong Constitution* the States were not yet ready to take.

And so the months went on, and pleasantly for a time; then dissensions began to rise and troubles began to brew. Washington, who had retired to private life in his beautiful home on the Potomac, hoping to finish out his life in peace and quiet, heard rumors of the unrest which was spreading over his country and realized that much suffering might yet come to the people. When Washington gave up his command of the army, he sent to the governors of the States a letter,<sup>o</sup> in which he urged them to look into the future and realize that there must be an *indissoluble union of States* under a single federal Government, one that could enforce its decrees; for without authority, a government is but a government in name. Secondly, he had urged that the debts incurred be paid farthing for farthing if the United States would command the respect of foreign nations. Thirdly, that a uniform militia system should be organized throughout the States. Fourthly that the *people must sacrifice their local prejudices*

*and jealousies* and regard one another as fellow citizens of a common country, with interests, in the truest and deepest sense, identical.

Not much attention was paid to these wise words at first; but now when dissensions began to arise and the States found themselves powerless to quiet them, people began to recall what Washington had said. Already each State had set up tariff and tonnage acts ° for itself, with no regard whatever to the tariff and tonnage acts of any other State. Consequently, commercial civic war was already reddening the sky. When three of the New England States closed their ports against British ships, Connecticut threw her doors wide open. New York passed acts declaring that no New England ship should enter New York Harbor without paying an entrance fee. Connecticut farmers could not even cart their firewood across the border land into New York State. New Jersey could not bring its farm produce across the bay without paying entrance fees. Furious, the business men of New Jersey and New England held a meeting and declared that they would send not one article into the State of New York for a twelvemonth. Then Connecticut fell to quarrelling over a certain boundary line. The dispute was finally settled in favor of Connecticut; but when not long after this dispute was settled, a terrible flood devastated the region of west Connecticut and the people were driven homeless down the valley, there were those who said, bitterly, that it was "Divine punishment for them and that they deserved it."

Next came trouble between Vermont and New

Hampshire. There were families living on the border line who wished to escape New Hampshire taxes. At first Vermont was inclined to contend for the border line, but afterwards she decided not to meddle, and the families began to prepare to make a third State for themselves. Massachusetts then looked up her old charters and found a clause which she declared gave her a right to the southern part of Vermont. Meantime New York was talking of sending troops into Vermont on the west and New Hampshire was about to do the same on the east. It was Washington who came to the rescue just here and induced the governors of the three territories to come to an agreement without recourse to arms. Nevertheless for a long time the hatred of the people of one State for those of the others smouldered. Every now and then a barn or a farmhouse was mysteriously set on fire, or some traveller was mysteriously murdered in the forests.

Meantime matters were going from bad to worse. Each State had begun coining money of its own, but these moneys had no standard value. No State need recognize another's money if it wished not to do so, and so no State could estimate the price or value of anything in another State. This *rag money*, as it was called, brought about no end of misery. A man, for example, could not pay off the mortgage on his house because the owner of the house would not accept rag money; or, if he would, he made the man pay many times more than the specified value of the mortgage. Therefore people lost their hard-earned homes, they failed in business, and they were

imprisoned for debts which they could not pay. In Massachusetts, matters came to a terrible pass; until at last one day a great mob of poor debtors in western Massachusetts banded together under Daniel Shays<sup>o</sup> and marched to the Court at Worcester and forced it to leave its chamber. The Court fled to Springfield and the mob followed it. Again it was made to close its session, and a little later the mob made an attack on a federal arsenal. Indeed, there was grave danger that the State Government itself would be overthrown. It was useless to call upon Congress for help (as we should now under our Constitution), for Congress had no power. It was useless to call upon other States to help, for each of the other States had similar troubles of its own.

Disastrous as such proceedings were, they helped more than argument could have done to *make the people understand through personal suffering*<sup>o</sup> that a Central Government was indeed a necessity.

At another time, to show how little regard the several States had for Congress, the citizens of Philadelphia allowed a mob of drunken soldiers to drive Congress out of town without raising a hand to protect them. Indeed, so great and so widespread became the disorder, that at one time the soldiers themselves who had fought against the English monarchical form of government, begged Washington to declare himself king and so set up a monarchical government of its own; and at another time there was fear that certain communities would cross the Alleghanies, import Europeans and set up a feudal<sup>o</sup> system of government in the unclaimed lands of the west.



"Just as we said it would be," said the European nations when they heard of these troubles among the colonies.

"They will soon beg us to take them again under our protection," said English Parliament.

"Are we asked to loan money to *one* nation or to *thirteen*?" the European money lenders would scornfully say when our Consuls asked them for aid. "And since your government has not paid the debts of war, how can we expect it to pay later debts?"

Jefferson,<sup>o</sup> who went to Paris in the interests of Continental Congress, was told over and over again that no European nation would enter into any contract with the States; for all Europe felt that there was no certainty that the States would keep their part of the agreement.

At about this time, the half-civilized Moors of the Northern Coast of Africa began to attack our vessels. Nor could we raise a hand to protect ourselves.

"Pay us a million dollars," said the Moors and we will attack your vessels no more. But Continental Congress could no more raise a million dollars than it could raise a fleet of vessels. The United States of America had now fallen to the lowest financial depths to which any nation can fall; *for it was unable to protect its own citizens.*

"If we remain in this condition of imbecility," said one member of Continental Congress, "we shall indeed be classed with the most contemptible nations on the face of the globe."

"All this need not be," said Washington. "With a proper Federal Government we ought to be one of

the most happy, the most wealthy, respectable and powerful governments on the face of the globe." But with no money and with trade carried on, as it then was, through barter,<sup>o</sup> there seemed little probability of the United States ever being either respectable or wealthy or powerful.

Even the American newspapers, at least one of them, announced that it would receive its subscription money in salt pork; and Robert Morris, whose own personal money had saved the army during the Revolutionary War, and whose whole fortune had been given without stint to his country, was by that country allowed at this time to die — in a debtor's prison!

In the South, in order to make the people of a State promise to use their own State's money, the Legislature tried to force punishments upon the people who dared refuse. In Charlestown, a Hint Club<sup>o</sup> was formed, whose mission was to "hint" to those who refused to use paper money that it would be better for them to look out for their lives.

In some places, the farmers formed into unions and vowed that they would not take their produce to the markets of any merchant who would not keep up the value of paper money, dollar for dollar. Consequently there were famines in certain districts and the farmers were threatened with mob violence.

But now came another matter which began to make for an agreement to a Central Government among the thirteen original States. People were beginning to know something of the territory beyond the Alleghenies; and New York and Virginia es-

pecially claimed the territory west of themselves as far as the land should extend.

"Thus," said they, "we shall make our States the most powerful of all."

At this, the States which were so situated that they could not extend their claims westward without coming up against a border line of some other State, began to be concerned. (See Map.)

"What will be our fate?" States like Delaware, Rhode Island, and Maryland began to ask. New York and Virginia and the other States bordering directly upon the unknown territory should not be allowed to extend their claims. If anything is done with this western territory, it should be divided into new States.

"But such a division would require a Central Government to watch over them," said the far-seeing statesmen.

This no State could fail to realize was true. And so the States who feared a Central Government, but who also feared extension of power to the few States that could reach westward, found themselves between two fires. Which, they wondered, would prove the least evil? And this, indeed, was a serious question; for it was readily seen that a crisis had come when something must be done to rescue the country from anarchy and ruin. Even the most stubborn States recognized this. Something must be done, they are willing at last to admit; but what should that something be?

"There is but one thing to be done," said the wisest statesmen; "there must be a strong Central Govern-

ment which shall make general laws for the general good and which shall force every State to comply with them."

"We grant," said all the States, "that something must be done. We have proved that through these five years of distress and misery. Something must be done. Either we must strengthen the Articles of Confederation or we must make a new Constitution.

Yes, something must be done; but how loth the States were to call a convention! How loth lest when one step had been taken, some form of government would be sprung upon them, depriving them of their still precious State rights.

"The history of the United States at this time," says Thomas Francis Moran in his history of North America, "was most distressing and humiliating." The years from 1783 to 1789 have well been called the "critical period of the United States."



## TOPICS FOR CLASS RESEARCH

Appreciate the full significance of Central Government, *versus* State Government. Fix this well in mind since so much of the later history of United States hinges upon this same distrust of Central Government.

Washington's Letter to the Governors.

Tariff and tonnage — the meaning.

Read Fiske's "Critical Period" in connection with the petty quarreling of this time.

Shays' Rebellion.

The lesson of personal suffering through "jingoism."

Think out other cases in the history of our own times.

Who does the suffering? What lesson has this for every member of a Republic?

The Feudal System — its source. The early struggle of the English common people against feudalism illustrates its uses and abuses, and should be read in order to give the pupil an appreciation of what this threat meant to the new States.

The story of Jefferson, abroad at this time, as Consul, illuminates the opinion that European nations had of the States at this time.

Barter and an established money system.



## MAKING A NEW CONSTITUTION

Virginia was the first State to take definite steps toward calling a Convention to revise the loose Articles of Confederation or to make a new Constitution. "Let us commission James Madison to draw up a set of resolutions and let us send them from our Legislature to the Legislature of each of the other thirteen states," said the Virginia Assembly. "All States should join and send delegates to a convention where the matter of our future form of government may be discussed and some new form drawn up."

Accordingly, Madison drafted a set of resolutions, doing it in his own strong but courteous way. In the preamble to his resolutions, he says: "*Whereas*, the General Assembly of Virginia can no longer doubt that the crisis has arrived at which the people are to prove the solemn question of whether we shall by wise, magnanimous effort, reap the just reward of that independence which we have so gloriously achieved and which the union has cemented with so much of common blood, or whether by giving way to unmanly jealousies and prejudices and to party interests, we shall renounce the blessings prepared for us by the Revolution and furnish to its enemies an eventual triumph over those by whose virtue and valor independence has been accomplished."

These resolutions had a good effect upon the other

States, for New Jersey soon followed Virginia, drawing up similar resolutions in its State Legislature. Even the Governor of Massachusetts, who hated the thought of Central Government, said, "My sentiments in regard to a Central Government have by no means changed. Still I think we should consider the matter carefully. Events are surely hurrying us on to a crisis; and prudent men should take steps to form a more perfect government."

During these five years of quarreling among themselves, Europe had looked on with interest and possibly with amusement. Of late, England had been saying, "The son of George III will be called to take the throne of the United States."

At the same time, France was saying, "The United States will call upon France for a king, since France and America are friendly."

The States, however, quarreling though they were, had no idea of turning either to England or to France for a king. They were working out their own salvation, and in time they worked it out most nobly, as we shall see.

One by one, the State Legislatures followed the example of Virginia; and in due time a convention was called, made up of delegates from all the States, except Rhode Island.<sup>o</sup> These met at Philadelphia and there they set to work either to revise the Articles of Confederation or to make a new Constitution.

It took only eight days to make the previous Articles of Confederation; but the task now before these delegates was more serious, and it was not to be performed hastily. Indeed, the delegates worked



for four long months upon the new document; for they realized that upon their judgment hung the fate of a country.

From the beginning the debates in the Convention were hot and fierce. Not only were the delegates anxious to give the very best form of government to the people, but they were constantly harassed by what their States might say when the document should be given into their hands. Every delegate was zealous and jealous for his own State and suspicious of every other. Because many did not even yet believe in a strong Central Government, every clause had to be fought out tooth and nail.

"Would we not better revise the Articles of Confederation," said some, "lest our people censure us?"

"If to please the people we offer something in which we do not ourselves believe," said Washington, "how are we to defend ourselves when the time comes to place our work before the people? LET US RAISE A STANDARD TO WHICH THE WISE AND THE HONEST MAY REPAIR. THE RESULT IS IN GOD'S HANDS."

In the end, the opinion of Washington prevailed, and the Convention went to work to make an entirely new document, which they called a CONSTITUTION OF THE UNITED STATES.

Randolph of Virginia opened this convention by proposing that a strong Central Government be formed and that it be divided into three departments:° a Legislative, which should make laws, an Executive, which should carry out the laws, and a Judicial, which should settle all matters of legal dispute.

To this the Convention finally agreed; and the

next question was, Who shall elect officers to these departments?

"The people should elect them," said some of the delegates.

"The people can never be trusted to elect important officers," said other delegates.

"Let us not have an excess of democracy," said Gerry ° cynically, one of the delegates from Massachusetts.

This question, after days of debate, was settled, however, largely in favor of the people, as we shall see when we come to study the Constitution itself.

It having been settled that the people should send their representatives to this National Congress for which the new Constitution was providing, the next question, was, "How many representatives shall each State send?"

And now the debate ran high. The small States were afraid of the larger States, and the large States were inclined to domineer over the small States.

"A large State should have more representation," said they.

"We might as well be out of the Union if that is to be," said the small States.

"That is true," said the fair-minded statesmen; and still there seems no way to apportion representatives except according to population, one representative to a certain number of people.

Days were taken up debating this question, and one day a delegate from New Jersey rose to his feet and said that too much power was already given into the hands of the large States. "I move," said he,

"that we begin all over again, and that instead of making a new Constitution we be content to revise the Articles of Confederation. Indeed, that is what we were sent to do, not to frame a new Constitution."

The New Jersey delegate's plan was not accepted, and the debate went on. One delegate from Delaware became especially virulent. "Pretenses to support ambition," said he, "are not wanting in this convention. It is insisted that although the power of Central Government is to be increased, yet it will be for the good of the whole. We are told that although three large states form a majority of all the people in the thirteen, yet these three States will never do any harm to the rest of the States. Gentlemen, I do not believe you. If three States possess so great power, the abuse of that power could not be checked by any clause in the Constitution. Rather than be ruined by these States, there are foreign powers that will take us by the hand."

The situation was indeed becoming dangerous. There must be a union of all the States, or none at all. And here was a delegate threatening to withdraw from the convention rather than to accept the existing conditions. The convention was on the verge of dissolution. What could be done? It was at this point that Franklin turned the sentiment of the convention and saved the day by offering a compromise.

"When a carpenter wishes to make a table," said he, "and the boards are too broad, he cuts a little off both boards and so makes a perfect joint."

Franklin's kindly words had their effect upon the

convention, and it was moved that a committee be appointed to draft a compromise.

At the end of a long debate among themselves the committee reported that each State should have representatives in Congress, according to their population; but that in order that there should be some provision for equality of influence in both large and small States, each State, regardless of size, should have *two senators*. This, then, is how it happens that we have a Senate and a House of Representatives; that there are *two senators for each State* in the Senate; but that the *representatives are in proportion to the population*.

This compromise, when finally settled, proved to be a very good thing for the convention. A few hot-headed delegates went home declaring that they would have nothing to do with such high-handed proceedings. The small States as a whole were pleased with the arrangements for equal number of Senators, and all again went to work with a will to finish up the work of the convention.

#### TOPICS FOR CLASS RESEARCH

James Madison.

Why were France and America friendly?

Why had France lent troops to the colonists?

Why had Rhode Island no delegate at this Convention?

Washington's safe words.

Randolph.

The force of the Three Departments.

Gerry — his story in Massachusetts politics.

Appreciate the importance of this Compromise — look ahead in the history of the country and see what sorrow came because of it.



## WHAT THE CONSTITUTION TELLS US\*

### I THE LEGISLATIVE DEPARTMENT

As we read the Constitution, we come first upon *The Preamble*, as it is called. The Preamble states the objects ° for which the Constitution was made. These objects were as follows:

- a* "To form a more perfect union.
- b* "To insure domestic tranquillity."
- c* "To establish justice."
- d* "To provide for the common defense."
- e* "To promote the general welfare."
- f* "To secure the blessings of liberty to our selves and to our posterity."

As we read these six points, knowing what we do of the things that had happened and were happening in the country, we appreciate the meaning and the force of the statements which make up the Preamble. Can you not name some one event or group of events which might have been in the minds of the framers of the Constitution when they drew up this Preamble? Certainly there had been "suffering" enough during the recent war because of lack of "perfect union." Certainly there had been anything but "domestic

\*The pupils should compare this text with a copy of the Constitution. (See page 141.)

tranquillity" in the years following the war; and where there is not perfect union and domestic tranquillity there can be little hope of "justice." We know, too, how great was the need for some agreement as to a "common defence," since all Europe was watching the new "States" and were more than willing to fall upon them disunited at the least provocation.

Following the *Preamble* comes that part of the Constitution called the *Law Making Department*.

This is one of the three departments into which Randolph of Virginia suggested that the new government be divided.

*This Law Making or Legislative Department* states who shall make the laws for the country, how they shall be made, and how much power shall be permitted to any one officer of the land. Each department of the Constitution is divided into paragraphs — sections, they are called. In the first section of the Law Making Department, we read:

- I "All law making power shall be placed in the hands of a Congress. This Congress shall be made up of two parts — a Senate and a House of Representatives. The House of Representatives shall be chosen every second year by the people of the several States."

As we read this section, we are reminded at once of that fierce debate in the Convention when the small States fought so hard for equal representation

in Congress. We recall the long wrangle and the Compromise which was put forward by Franklin and the agreement which the Compromise Committee finally made among themselves.

The Constitution then goes on to state what shall be *The Qualifications of Representatives*.

- 2 "A Representative must be twenty-five years old; he must have been a citizen of the United States for seven years; and he must reside in the State which elects him."

Next we come upon a statement which means much to us, now that we know what went before the final acceptance of this Constitution.

- 3 "Representatives and direct taxes shall be in proportion to the number of free persons and three-fifths of all other persons." ("All other persons" meaning, of course, the southern slaves.)

Here again we are reminded of the Convention controversy, for here is the question of slave vote which was fought so bitterly and which so nearly brought the Convention to an end.

Following this comes a clause saying:

- 4 "If a vacancy occur in the House of Representatives, the vacancy shall be filled by the Executive of the State (Governor), the Representative of which has withdrawn."

This clause is self-explanatory; so let us go on to the next:

- 5 "The House of Representatives shall choose its own Speaker."

We know that whenever any public meeting is held, some one has to "take the chair," as we say, and conduct the meeting; otherwise there would be confusion upon confusion. It is the business of this person "in the chair" to see to it that everyone has a fair chance to speak and that affairs are carried on properly. This person is called the Speaker, and whenever anyone rises to address the meeting he begins with "Mr. Speaker." And the Speaker recognizes the man who wishes to talk by announcing his name.

- 6 "The House of Representatives shall choose its other officers, such as the secretary, who keeps the records, the teller, who counts votes, and the messengers, who carry messages for the members of the House."

So much for the Representatives. Let us now read what the Constitution has to say about Senators:

- 7 "The Senate shall be composed of two members from each State."

Here we find no reference to the population of the State; but we understand why, because we recall that this was the point of Compromise in the dispute as to how the small State and the large States should secure equal representation in Congress.



The Constitution next tells us what shall be the *Qualifications of a Senator*. It states that:

- 8 "A Senator must be thirty years old, he must have been a citizen of the United States for nine years, and he must be a citizen of the State which elects him."

Reading on, we find that:

- 9 "The Senate may *not* choose its Speaker, but that the Vice-President shall always be the Speaker of the Senate.

All other officers, such as Secretary, teller, etc., shall be chosen by the House.

10 Next comes a provision regarding *Impeachment*. England, the home country, had been forced more than once to impeach her kings, and once she was driven to the execution of a King.<sup>o</sup> The Delegates to the Convention reasoned that it would be possible to get the wrong man into the highest office in America, as was the case in England; therefore, there must be some provision for removing him, if necessary.

Therefore we read under the head of *Impeachment* that any *Representative* or *Senator*, or *President*, if he fail to do his duty, may be impeached. If we have read English history, we recall how the English forefathers insisted from very early times upon some form of fair trial and how King Henry made the first step toward a "trial by jury" and how the people valued this privilege. These Delegates, then, being yet English, and loving the traditions of the Mother

Country, and knowing well the story of her struggles for liberty and fair dealing, wished to incorporate into the Constitution of the newly independent people all that was wise and good in the government of England. Therefore, they demanded in this matter of impeachment, that a Representative or a Senator be tried by a jury. The President, however, they excepted, agreeing that he be tried by the most highly placed officer of the government — the Chief Justice of the Supreme Court. It was not intended by this that the President should not have as fair a trial as the Representative or the Senator, but that a certain especial dignity be attached to a President's impeachment.<sup>9</sup>

The Constitution then goes on to say that :

11 "No fine or imprisonment shall be placed upon any impeached officer."

It was considered disgrace and punishment enough to have been impeached and so shut out forever from again holding any position, however humble, under the Government of the United States.

And now comes the question of how, when, and where Congressmen shall be elected.

We find that this arrangement is made :

12 "The State Legislature shall arrange this matter, each Legislature for its own State. Congress may, however, change the time and the manner, but it may never interfere with the place."

This precaution was necessary; for there were many who remembered how bitterly the Colonists had resented having had some of their officials carried to England for trial.<sup>o</sup> This was not fair; for people cannot possibly have real interest in a knowledge of the affairs of a person at a great distance. Therefore the Delegates wished to make sure that Congress should never attempt to carry on any matters of election in other than the State with whose affairs the man elected was concerned.

13 *Congress Assembles* how often? Here again the delegates had in mind the harm that might come from allowing any President to dismiss a Congress as King Charles <sup>o</sup> had done in those days when he was determined to rule England according to his own ideas and without the interference of the people's representatives. Accordingly, the makers of our Constitution made this provision:

- 14 "Congress shall assemble once every year, and the date for assembling shall be the first Monday in December, although Congress may change this date if, as time goes on, it should seem best."

It is interesting to note that even in this matter, the power to change is not put in the hands of the President, but that it must come through the vote of Congress. All through the Constitution, we come upon clauses like this, showing how fearful the Delegates were lest power be placed in the hands of any one ruler, who might prove a tyrant, than in the

hands of the Representatives of the people. Surely, these delegates meant to see to it that the new States should reap the benefit of the long fight that had been carried on in the Mother Country during the centuries that had past.<sup>o</sup>

Following this paragraph come several others, briefly stated, most of which are self-explanatory.

- 15 "Each house shall judge the elections, returns, and qualifications of its own members."
- 16 "A majority of each house shall constitute a quorum, that is, business may be carried on if a majority of the members are present at the session. If there be no quorum, those present may adjourn from day to day and may compel the absent members to be present or pay such penalties as each House shall provide."
- 17 "Each House shall determine the rules for its own proceedings."
- 18 "Each House may punish its own disorderly members. With a two-thirds vote a House may expel a member."
- 19 "Each House shall keep a journal of its proceedings. This journal shall be published from time to time, although the House may hold back such part of it as it deems wise."



We are reminded here of the objections which Gerry of Massachusetts raised in Convention. He argued that this paragraph gave Congress a chance to do what it wished behind closed doors and then to suppress any report of the doings. Before the days of a free press, this might have proved true; but with reporters permitted in Congress, and with a free pass, to keep the people informed, there is little danger of any advantage being taken of this privilege of suppressing parts of the journal.

- 20 "Whenever one-fifth of the members present demand it, a yea and nay vote shall be taken. The advantage of a yea and nay vote in matters of great interest, especially if there has been any accusation of unfair or dishonest dealings, is that every man is to declare his vote and be recorded as having voted yea or nay upon the question."
- 21 "Neither House, during the session, shall adjourn, without the consent of the other, for more than three days. Nor shall either House adjourn to any other than the chosen place for sitting."
- 22 "The Senators and Representatives shall receive salaries in compensation for their services; and this salary shall be paid from the Treasury of the United States, and the amount shall be decided by law."

Here again, we recall that Gerry found fault with

this clause. This, he said, is as good as saying that Congressmen shall decide upon their own salaries, since Congressmen make the laws.

This was true, but here again, the presence of reporters and the freedom of the press prevent any considerable wrong-doing. No Congressman would care to go on record as having attempted to secure an unjust salary for himself, nor would other members care to go on record as having taken a stand beside him. Again, we know that every bill has to go through both houses, and also to the President, before it becomes a law; and an unfair bill of such a nature would hardly come through so many hands.

23 “Senators and Members of the House of Representatives shall be free from arrest during the session of Congress except for some high crime like Treason or Felony or Breach of the Peace. Neither may they be arrested while on their way to or from the House to which they belong.”

“Moreover, they shall not be annoyed or questioned for anything that they may have said during session of Congress.”

24 “No Senator or Representative shall hold any other office under the government.”

“No person holding a government office shall be eligible for Senator or Representative.”

25 “All bills for raising money — Revenue Bills — shall originate in the House of Representatives.”

This is a clause that appeals closely to the common people — the people who pay the taxes and raise the money. This is what the English people contended in the times of King William, when the Barons and the common people declared that neither the King nor his self-chosen Council had any right to spend the people's money without permission of the people. Now since the House is made up of members chosen directly by the people, it brings the matter of money appropriations close to the people.

These Revenue Bills, like all others, must go to the Senate and to the President before becoming a law; still it is significant that they must *originate* in the people's House; *i. e.*, the House of Representatives.

Next in the Constitution, we come to the story of "How a Bill becomes a Law."

- 26 "Except a Revenue Bill, any bill may originate in either House for approval.  
"Having originated, it goes to the other House for approval."  
"This House must give a two-thirds approval."  
"The 'bill' is next sent to the President of the United States. He must sign it or veto it within ten days. If he signs it, it becomes a law at once."  
"If he vetoes the bill it goes back to the House from which it originates and is voted upon again; that is, 'reconsidered.'"  
"This House must then vote upon it in a *yea* and *nay* vote."  
"The bill then goes to the other House for

reconsideration, through a yea and nay vote."

"If both houses still give it a two-thirds vote the bill becomes a law 'over the President's veto.'"

All resolutions and Orders must pass through the same process.

We come now to a long list of things which Congress is given power to do. They are as follows:

27 "Congress may collect taxes, imposts and excises."

"Congress may pay national debts."

"Congress may borrow money on United States credit."

"Congress may regulate commerce with foreign nations and among the States."

"Congress may establish a national rule for naturalization."

"Congress may make bankrupt laws."

"Congress may coin money."

"Congress may regulate the value of its coins."

"Congress may fix standards for weights and measures."

"Congress may punish counterfeiters."

"Congress may establish post-offices."

"Congress may provide copyrights and patents."

"Congress may establish inferior courts."

"Congress may punish piracy and all felonies committed on high seas."



- “Congress may punish all offences against the laws of other nations.”
- “Congress may declare war.”
- “Congress may grant letters of marque and reprisal.”
- “Congress may make laws regarding captures upon the sea.”
- “Congress may raise and support armies and navies, but no money appropriation can be made for more than two years.”
- “Congress may make rules for the government and regulation of land and naval forces.
- “Congress may call forth the State militia to execute the laws, to suppress insurrections and to repel invasions.”
- “Congress may provide for the organizing, arming, and disciplining of the State militia and for governing it while it is in the service of the Country.”
- “Congress may have exclusive rights over the seat of national government.”
- “Congress may have exclusive rights over arsenals, forts, and other public buildings.”
- “Congress may make any laws necessary to carry out any of the above.”

As we read this list of things which Congress is trusted to do without consulting the people, although, of course, Congress is at all times intended to be a representative house of the people, we see how faith-

fully the delegates adhered to the principle of State independence so far as State's rights must exist without interfering with Central Government.

Most of the statements are easily understood; a few perhaps need explanation. For example, what are patents and copyrights? If an author wishes to prevent other publishers from publishing his work, he sends to the Congressional Library at Washington and gets a government paper called a *copyright entry*. This copyright gives the author exclusive rights for a number of years over his books or other writings. If, meantime, an unauthorized publisher "infringes" upon this right which government has given the author or publisher, the owner of the copyright may sue the infringing publisher and recover damages.

A government patent is a similar matter. If a man has invented something which is new and is of use to the world, he sends a description and a model to the Patent Office at Washington, and the government gives him a paper which protects him in the exclusive right for fourteen years to manufacture and sell the article patented.

And what are letters of marque and reprisal?

We must remember that in the days when this Constitution was made, there were pirates upon the sea. Often a captain would be suspected by some government of being a pirate when he was not. If, then, a ship of another government should seize upon a suspected ship, the captain would need something to prove that he was not a pirate and that he was sailing honestly under the protection and orders of his own flag. Therefore, a captain would, before setting out,

get from the government a paper called a letter of *marque*. Again, in times of war, if a captain captured the enemy's ship, he would have to show proof that he was in the government employ. The captured ship would not be willing to surrender until the captain had shown proof that he was in the employ of his government and that he had been authorized to do just what he claimed to have a right to do. How else could a captured ship know that it was not falling into the hands of pirates? Indeed, this was just what the pirates did often, claiming to be authorized by a certain government. Many a trouble did the countries get into with each other through these piracies, until letters of "marque and reprisal" began to be issued by the governments, each to its own captains. On presentation of this letter of reprisal, which means in war time the right to overtake and capture, the captured ship was forced to surrender in accordance with the rights of war.

Following this list of things which Congress may do, is a list of the things which Congress may *not* do.

Congress may not:

28 "Prohibit immigration or importation until the year 1808.

This, we recall, was the peace-making clause in the Compromise concerning the matter of slavery in the United States."

"Congress may not suspend the *Habeas Corpus Act* except when public safety demands it."

The Habeas Corpus Act, we remember, was a

dearly bought act under Charles I; and the delegates did not intend to have any such cruelties occur under the new government as had occurred under Charles I, when he imprisoned for life anyone who displeased him or whenever it suited his own personal convenience.

“Congress may pass no bill of attainder”—

as had James when he came to Ireland hoping to recover the English throne. (See reign of James II.) Then, you may recall, he issued bills of attainder right and left; *i. e.*, he commanded every squire to come to his assistance at a certain hour, threatening not only punishment for the squire if he refused to obey, but also “forfeiture of blood”—which meant that his title would be taken not only from him but from his descendants.

“Congress shall pass no *ex-post-facto* bills.”

An *ex-post-facto* bill is a bill made after a certain offense has been committed for the purpose of punishing the person who has committed that offense. This is evidently unjust. If a man has broken no law, even though he deserves punishment he can not be punished by law. A government should see to it that all necessary laws are made; or if something comes up showing that the existing laws are inadequate, make new ones as the occasion requires. The person who has committed an offence for which there was no legal punishment at the time may not, *on legal principles*, be punished by law.



“Congress shall place no direct taxes without the consent of the people.”

In this we recognize that the delegates were familiar indeed with the story of English struggle for a House of Commons which should see to it that no king would tax the people without their consent. It took centuries to bring this about in England; but it having been at last brought about, the House of Commons became henceforth the watch dog of the people's money. Our delegates wished our country to be equally secure.

“Congress shall tax no articles passing from one State to another.”

Here we see a reference to the existing troubles of which we have read in the story of the Danger Period, when New York, for example, would not allow the Connecticut farmers and the New Jersey farmers admission with their farm products except under heavy State import tax or tariff.

“Congress shall give no preference to one port over another.”

This, we see, was a wise provision; otherwise a senator might attempt to influence the Senate in some underhanded way to favor his own state to the injury of some other state.

“Congress shall not draw money from the Treasury except through natural processes of law.”

And by this it means that if it becomes necessary

to draw money from the Treasury, that it must be brought up before Congress and treated legally, just as any other affair would be treated. Under this provision, every time money is appropriated by Congress, the common people know it and may approve or disapprove. They may express their approval or disapproval in their next election, since the government of our country was intended to be wholly in the hands of the people. Indeed, one may well say that if to-day there is anything amiss with the way in which our laws are carried out, it is wholly the fault of the people who have put men unworthy of trust into public offices. *It is in the power of the common people, if they will, to correct any existing wrongs.*

“Congress shall not fail to give account of all moneys from time to time.”

“Congress shall at no time give titles of nobility.”

Isn't it possible that the delegates remembered the time when Massachusetts came so near giving titles to Lords Say and Seal, who were willing to come to America providing the ancient titles of their families be respected. Then, too, it is little wonder that the delegates had come to hate titles when we consider how the colonies had suffered from titled kings through all the years that had passed. Washington, we remember, might have accepted a title at the time of the uprising of the Revolutionary soldiers; but he cared little for titles. To him a government by the whole people, and no favored classes, was his ideal of what was right and best for a people. Again, we

recall that the colonies had had a taste of titles while under the titled governors — Sir Edmund Andros, for example. Indeed, in every way the colonial delegates had good reason to hate titles.

And now we come to the closing lines of the Legislative or Law Making part of the Constitution. We read now a list of things which the *State* must not do. In general, even before we read the list, we may be sure that the statements will be based upon this one principle, namely, *that however great freedom may be for the States, there must be no collision between State rights and Central Government rights.* This is reasonable; for we see at once that it would never do to have a State here and there pass, for its own territory, laws that were in opposition to those passed by Congress. It would be like a family in which each member had his own set of rules regardless of the rights of any other member of the family. Keeping this principle in mind, let us read this list of "Things which a State May Not Do."

This statement runs as follows:

"A State may not enter into treaties, etc., with other countries.

"A State may not issue letters of marque and reprisal."

"A State may not coin money." (Certainly there had been enough suffering from this!)

"A State may not borrow money on United States credit."

"A State must not make paper money for itself."

When we consider that paper money is nothing

more nor less than promissory notes signed by the government, we realize that this provision was wise. Had each State been allowed to make its own promissory notes, of what value would they have been? Think, too, what business complications would come up, what money panics, what mutual money distrust would exist, if each State, weak as compared with the United States government, were allowed to issue promissory notes.

“No State may pay its debts with anything but silver or gold.”

✓ This statement blends naturally with the one before it. Silver and gold have a definite fixed value; and so if a State pays its debts with silver or gold, the person receiving the silver and gold, whatever form it is in, is sure that he is receiving his full value.

Every silver piece issued by the United States government is now guaranteed to be worth its face value in gold; that is, if you send the government one hundred dollars in silver coin it will give you one hundred dollars in gold for it, although the silver in the hundred dollars, if melted, is not worth one hundred dollars in gold.

In times of war, as you have already read and as you will again read when you come to the story of our Civil War, a country often gets terribly involved because of its powerlessness to pay its debts in gold. Promissory notes are then resorted to; but a promissory note is of no more value than the person or the country back of it. And so, if the country is losing ground, the paper money or the promissory notes



lose real value. Such experiences every country at some time or other has suffered because of wars.

“A State may pass no bills of attainder.”

“A State may pass no ex post facto laws.”

“A State may grant no titles of nobility.”

“A State may pass no laws which render a contract valueless.”

“A State may impose no duties on exports or imports. A State shall lay no duty on tonnage.”

“A State shall keep no troops in time of peace.”

“A State shall keep no ships of war.”

“A State shall enter into no agreement with other states or foreign countries.”

“A State shall not engage in war except in sudden emergencies.”

As we read these statements, we find that the restrictions placed upon the States are only such as are necessary for the common good, and it would seem that the delegates were always mindful of the rights of States as far as was consistent with harmonious central government. The constitution is a document so wisely constructed, so well balanced, so far reaching, that we may justly be proud of it. At the time it was made it was the admiration of statesmen in England and on the Continent; and with few exceptions it has proved an excellent form of government for our people. Nevertheless, let us not forget that *it was but the harvest, as it were, of the long centuries of seed sowing in England, where pluck and the common people fought out, step by step, their personal freedom.*

## II THE EXECUTIVE DEPARTMENT

This department of the Constitution treats of the means and processes by which the laws which are made in the Legislative Department shall be carried out.

### SECTION I

1 *a* The Executive (or carrying out) power of the United States shall be vested in (placed in the hands of) the President and Congress.

*b* The President (and the Vice-President) shall hold office four years and shall be elected by the vote of the people in the following manner:

2 Each State shall appoint (through its Legislature) as many Electors as there are Senators and Representatives from that State. No Senator or Representative who holds any office of trust or profit under the United States shall be himself appointed an Elector.

3 *a* The Electors shall meet in their respective States and ballot for two persons, one of whom shall not be an inhabitant of the same State with themselves.

*b* They shall make a list of all persons thus voted for and a list of the number of votes each receives.

*c* These lists, the Electors shall sign and certify and send by mail, sealed, to the seat of government of the United States, the package being directed to the President of the Senate (Speaker).

*d* The President shall open the package in the

presence of the Senate and House of Representatives and the votes shall be counted.

*e* The person having the greatest number of votes shall become President of the United States, providing this "largest number" be a majority of the whole number of Electors appointed. If more than one name receives a "majority" and an equal number of votes, then the House of Representatives shall cast votes for these two. The one having the greatest number of votes from the House becomes President.

*f* If, however, on opening the package, it be found that no person has a majority, the five names highest on the list are voted upon by the House of Representatives and the person receiving the highest number of votes becomes President of the United States.

*g* In choosing a President, the votes shall be taken by States, the group of Electors from each State counting as one. A "quorum" shall be necessary, this consisting of one member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice.

NOTE Let it be thoroughly understood what a quorum is; also what a majority is. It is well here to teach the difference between a majority and a plurality.

The Author has found it impossible to successfully and satisfactorily teach the method of electing a President, except through object-teaching. The teacher is strongly urged to arrange electoral votes so that there shall and shall not be a majority of votes; also so that there shall be a "tie" when the sealed package is opened. Vote only by the new method; it is useless and confusing to try to remember the old method.

*h* After the President is chosen, the Vice-President shall be chosen; that is, the one having the greatest number of votes. If, however, two names have the same number of votes, the Senate (notice that it is the Senate) shall vote upon the two names, as the House of Representatives voted upon the names of President.

Now it was soon found that this was not a satisfactory way to vote for a President and Vice-President. The Fathers of the Constitution meant to keep the election of the President in the hands of the people as far as possible; but it was found that if elected in this way, the people's real choice was lost in the process.

Therefore, in 1803, this clause of the Constitution was changed. (See Amendment XII.) The President of the United States is now elected in this manner:

*a* The Electors meet in their respective States and vote by ballot for President and Vice-President, one of whom shall not be a member of the same State with themselves.

*b* The President shall be balloted for first, the Vice-President, secondly, these ballotings being perfectly separate.

*c* The Electors shall then make a list of names of those voted for as President and a list of names of those voted for as Vice-President.

*d* These lists the Electors shall sign and certify, seal and send to the President of the Senate (the Speaker).

*e* The President of the Senate shall in the presence



of the Senate and the House of Representatives open the package and the votes shall be counted.

*f* The person having the greatest number of votes, providing he have a majority of the whole number of Electors, shall be the President. If no person have a majority, the highest names on the lists (not more than three, less, if the House choose, shall be balloted upon by the House. The person receiving the highest number of votes becomes President.

*g* In choosing a President, the Electors' listed names shall be taken by States, each State having one vote. The quorum shall consist of two-thirds of the States and a majority of all the States shall be necessary to a choice.

*h* The person having the greatest number of votes as Vice-President shall become Vice-President, providing that number be a majority of the Electors. If no person have a majority, the Senate shall ballot for Vice-President from the two highest numbers. The quorum shall consist of two-thirds of the whole Senate and a majority of the whole number of Senators shall be necessary for a choice.

*i* No person who is not eligible to the office of President, shall be eligible to the office of Vice-President. (This is because the Vice-President, should the President die or be impeached during his term of office, would become President.)

4 Congress shall decide upon the day when the Electors shall be chosen and also the day upon which they shall ballot, that day being the same throughout the United States.

5 No person shall be eligible to the office of President or Vice-President unless he be a natural born citizen of the United States and has lived in his own country for at least fourteen years. He must also be thirty-five years of age.

6 *a* Should the President die or for any reason be unable to perform his duties, the Vice-President takes his place.

*b* Should the Vice-President die or for any reason be unable to perform the duties of President, Congress may choose some one to serve until another President be elected by the people through their Electors.

7 The President shall receive a salary and this salary shall neither be increased or decreased during his term of office.

8 The President shall take the following "oath of office":

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States."

## SECTION 2

1 *a* The President shall be Commander-in-Chief of the army and navy of the United States and of the militia of the States while they are in the service of the United States.

*b* He may require in writing the opinions of the heads of the various government departments (hence the Cabinet).

*c* The President shall have the power to grant reprieves or pardons.

2 With a two-thirds vote of the Senate, he may make treaties with foreign nations, appoint ambassadors, public ministers and consuls, judges of the Supreme Court and other officers for the government; this includes heads for the departments, that is, the heads who form the President's Cabinet. Congress may or may not, as it thinks best, allow the President to appoint inferior officers.

3 The President fills vacancies which may occur in the Senate by granting commissions which endure only until the end of the session.

### SECTION 3

*a* The President shall keep Congress informed as to the national conditions, needs, etc., and shall from time to time recommend to their consideration things which seem to him important. (This is done through the "President's Messages.")

*b* In case of disagreement between the Senate and the House as to the adjournment, the President shall make the decision. The President, Vice-President and all civil officers may be removed from office for treason, bribery, or other higher crimes and misdemeanors.

*c* The President shall receive all foreign ambassadors, consuls, etc.

### III THE JUDICIAL DEPARTMENT

The Judicial power of the United States (the power to make legal settlements of disputes, by which the country must abide) shall be vested in one Supreme Court and in such lesser courts as Congress may establish.

The judges of all courts shall hold their offices during good behavior, and shall receive for compensation a salary which shall not be diminished during their term of office.

The Judicial power shall extend to all cases in law and equity arising under this Constitution; to the laws of the United States and treaties which have been made or shall be made; to all cases affecting ambassadors and other public officers; to all cases concerning the army or the navy; to controversies in which the United States takes part; to controversies between States; between citizens of the same State claiming lands under grants of different States; between a State and its citizens. (See Amendment, Art. XI.)

All trials, except for impeachment, shall be carried on by a jury and shall take place in the State where the offense has been committed.

Treason against the United States shall consist of carrying on war against the government and in adhering to the enemy and assisting them.

No person shall be convicted of treason except on



the testimony of two witnesses or on open confession of the person under trial

Congress may declare treason and declare punishment for it; but no "attainder of treason shall work forfeiture of corruption of blood" except during the life of the person convicted.

Every State must respect and abide by the court decisions of every other State.

Congress may by general laws declare the manner in which a State's acts, records and proceedings shall be proved and what effect they shall have.

A citizen of one State is entitled to all the legal protection due him, whether in his own or in other States. That is, he will be treated rightly in another State and on the other hand, if he is escaping from one State to another, the State receiving him will deliver him up to his own State.

Any person held in bondage or in servitude escaping to another State shall be returned to that State. (This was the original Fugitive slave law and referred, of course, to slaves particularly, although it also included apprentices, since the apprenticeship system was then in practice. (See Amendment, Art. XIII.)

Congress may admit new States; but no new States may be made from the territory of already existing States. Congress shall make all necessary laws and rules in protection of the property of the United States. Congress shall guarantee to every State in the Union

a republican form of government and shall protect each State from invasion and, if the State appeal for help, against violence among its own citizens — mobs, for example.

Congress, with a two-thirds vote, may make any amendments which seem necessary.

All debts contracted before the making of this Constitution shall be paid by the United States.

(There were some citizens at this time who wished to repudiate the Revolutionary debts on the ground that there was no united government in those days and that, therefore, those who had loaned money could collect it no more than a person lending money to a child could collect it. Against such evasion of responsibility, however, Washington and all Statesmen of his high character were strongly opposed.)

This Constitution, with whatever amendments may be made in the future, shall be the Supreme Law of the Land and shall be obeyed as such.

All officers taking government positions shall swear an oath of allegiance to this Constitution. No religious test shall ever be required as a qualification for holding office under the Constitution of the United States.

The ratification of nine States shall be sufficient to establish this Constitution as the instrument of government for the United States of America.

The delegates, as we know, had striven to cover every possible point and to guard every possible right as they sat in Convention framing the Constitution. The people of the different States, however, saw flaw upon flaw in this document and declared that it should not be accepted until personal rights were made more secure. They had not forgotten how recently persecution for religious beliefs has existed; how recently freedom of speech had been acquired; how recently soldiers had been quartered upon them; and there were many other points which the delegates had not mentioned in this Constitution one by one, although they had made clauses which they believed covered all these points — all points, indeed, that could possibly be brought up by the States.

Nevertheless, although the States admitted that certain clauses *could* be construed to include these personal points, the people were willing to take no risks and the following ten amendments which were called the *Bill of Rights* (because they were of the same nature as the demands in the Bill of Rights which was offered by the English people to William and Mary<sup>o</sup>), were added to the Constitution:

Congress shall make no law establishing any religion or prohibiting any religion.

There shall be no abridgment of free speech or free press.

The People shall have always the right to assemble and discuss any matter.

They shall have the right to petition government for redress of any wrong.

A well-regulated militia being necessary to secure peace, every State shall be permitted to have its own militia.

No soldier shall in times of peace be quartered in the house of any person without that person's consent.

Even during war no soldier shall be quartered except in a manner prescribed by law.

There shall be no unfair warrants for search or seizure. (Here the people had in mind the Writs of Assistance which George III had issued before the Revolutionary War.)

No person shall be made to answer for a capital crime or otherwise infamous crime unless on indictment by a grand jury, except in cases arising in the land or naval forces or in the militia when in service and in time of public danger.

No person shall be twice accused and tried for the same offense.

No person shall be made to testify against himself.

No person shall be deprived of liberty or life except with due process of law.

Private property shall not be taken without just compensation.

The criminal shall have a speedy public trial by an impartial jury, from the district in which the offense was committed.

In suits at common law, exceeding the value of twenty dollars, the right of trial by jury shall be preserved.



Excessive bail and fines shall not be allowed; neither cruel and unnecessary punishment.

The fact that certain rights are not here mentioned shall not be construed to mean that any other common rights not mentioned shall be disregarded.

Powers not delegated to the United States by the Constitution nor prohibited by the Constitution to the States are reserved to the States; that is, anything that has not been prohibited and which is not inharmonious with central government, the States may consider that they have the right to do with their own limits.

All these points were considered long and carefully by the Continental Congress, and were accepted and added to the Constitution as it originally stood. The Constitution, with its Bill of Rights — that is, with the ten amendments — was then sent back to the Legislatures of the various States; and, since all essential points of contention were included in these amendments, the Constitution was ratified by all but one State, and it went at once into effect.

At once, then, the matter of electing a President filled the air; and, as every American child knows, the first choice of the people was George Washington. On entering office, he elected Alexander Hamilton, General Knox, Edmund Randolph and John Jay as heads of the departments — and made them Secretary of the Treasury, Secretary of War, Secretary of law matters — that is, Attorney-General — and Secretary of State.

These were the only Cabinet departments in the time of Washington; but in the years that have followed, more departments have been added.

Although the Constitution had been ratified by the states, there were thousands of men here and there who did not at all approve of it. They feared that any central government would take from the freedom of the States; neither could they see that there was absolute need for so strong a central government. These men were called Anti-Federalists, because they did not approve of a central or Federal Government. Those who did approve, were called Federalists. By both these parties, however, Washington was supported, and so was unanimously elected — something that never has occurred since, not even at Washington's second election. Indeed, so bitter had the feeling between Federalists and Anti-Federalists grown at the end of Washington's second term, that it is very doubtful whether he would have won a third election even had he stood as candidate for it.

However, all this you have learned in your everyday history. Therefore we will close this story of the Onward March of Freedom just here with the Ratification of the Constitution which marks as great an epoch in the progress of liberty as when King John signed the Magna Charta.

The Onward March of Human Freedom is not yet finished, however — that we must always keep in mind.

Already other amendments have been added to the Constitution, one especially relating to the freedom of the slave; and as the years go on, there will be other amendments.

What these amendments shall be, depends upon the future voters of the United States, of which every boy who has read this story of how his own government came about (and every girl, perhaps), will be one.

There are many grave problems before the American people to-day, which will not be settled for many years; these will, perhaps, be settled by those of you who to-day are boys and girls in the public schools.

That you solve these problems rightly and honestly, and that you make it possible for the uplift of the human race to still go on, is the deepest need which this country of ours has to-day.

#### TOPICS FOR CLASS RESEARCH

Objects of the Constitution.

Resentment of the Colonists at their officials being brought to England for trial.

Fight against the placing of power in the hands of one Ruler.

The Reign of William and Mary in Old England.





## QUESTIONS

- What seven statements in the Preamble?  
Into how many departments is the Constitution divided?  
Name them.  
What does each mean?  
Law making is done by whom?  
Congress consists of what?  
How are Representatives chosen?  
What three qualifications necessary for a Representative?  
How many Representatives has a State?  
How did this come about?  
How is taxation levied?  
Explain how this clause came to be in the Constitution.  
What if a vacancy occurs in the House of Representatives?  
Who chooses the Speaker for the House?  
Of what is the Senate composed?  
How many Senators has each State?  
How did this number come about?  
What are the qualifications for a Senator?  
How is the Speaker for the Senate chosen?  
How are other officers chosen?  
Tell the story of an impeachment.  
What punishments follow impeachment?  
How, when and where are Congressmen elected?  
How often does Congress meet?  
How many members must be present to carry on business?  
Can members be forced to attend?  
Why is this compulsion necessary?  
What is a quorum? A majority? A plurality?  
May a Congressman be expelled? What for?  
What about the Journal of Congressional doings?  
Who objected to allowing parts of it to be suppressed? Why did he object?

Can Congress adjourn at pleasure?

Are Congressmen salaried?

Explain how a bill becomes a law.

What are some of the things which Congress may do?

What are some of the things which Congress may not do?

What are some of the things that a State may do and may not do?

What is a copyright? A patent?

What are letters of marque and reprisal?

What is a Bill of Attainder?

What is an ex post facto law?

What promises does Congress make to the States?

Can the Constitution be amended?

What are the first ten Amendments called?

Who is Commander-in-chief of the army?

Who is Commander-in-chief of the navy?

What State sent no delegate to the Convention?

Why were the states dissatisfied with the Constitution?

How many Amendments have been made since the Constitution was accepted?

What are some of the grave problems before the country to-day?

What do you think will be the next Amendment?

# THE CONSTITUTION OF THE UNITED STATES

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America:

## ARTICLE I

SECTION 1. All Legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. 1. The House of Representatives shall be composed of members chosen every second year by the people of the several States and the electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State legislature.

2. No person shall be a Representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least

one Representative; and until such enumeration shall be made, the State of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island and Providence Plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SECTION 3. 1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.



6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION 4. 1. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

2. Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5. 1. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION 6. 1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SECTION 7. 1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence

of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8. 1. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations and among the several States, and with the Indian tribes;

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post-offices and post-roads;

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive Legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SECTION 9. 1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.



7. No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SECTION 10. 1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II

SECTION 1. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected, as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Rep-

representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or

of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath of affirmation:

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect and defend the Constitution of the United States.”

SECTION 2. 1. The President shall be Commander-in-chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have the power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.



3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3. He shall from time to time give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4. The President, Vice-President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes, and misdemeanors.

## ARTICLE III

SECTION 1. The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECTION 2. 1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and



between a State, or the citizens thereof, and foreign States, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION. 3. 1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

## ARTICLE IV

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION 2. 1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3. 1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive (when the Legislature can not be convened) against domestic violence.

## ARTICLE V

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress, provided that no amendments which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII

The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven and of the independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON

*President, and Deputy from Virginia*

*New Hampshire*

JOHN LANGTON

NICHOLAS GILMAN

*Massachusetts*

NATHANIEL GORHAM

RUFUS KING

*Connecticut*

WILLIAM SAMUEL JOHNSON

ROGER SHERMAN

*New York*

ALEXANDER HAMILTON

*New Jersey*

WILLIAM LIVINGSTON

WILLIAM PATERSON

DAVID BREARLY

JONATHAN DAYTON

*Pennsylvania*

BENJAMIN FRANKLIN

THOMAS FITZSIMONS

THOMAS MIFFLIN

JARED INGERSOLL

ROBERT MORRIS

JAMES WILSON

GEORGE CLYMER

GOUVERNEUR MORRIS

*Delaware*

GEORGE READ

JOHN DICKINSON

GUNNING BEDFORD, Jr.

RICHARD BASSETT

JACOB BROOM

*Maryland*

JAMES MCHENRY

DANIEL CARROLL

DANIEL OF ST. THOMAS JENIFER

*Virginia*

JOHN BLAIR

JAMES MADISON, Jr.



*North Carolina*

WILLIAM BLOUNT

RICHD. DOBBS SPAIGHT

HUGH WILLIAMSON

*South Carolina*

JOHN RUTLEDGE

CHARLES PINCKNEY

CHAS. COTESWORTH

PIERCE BUTLER

PINCKNEY

*Georgia*

WILLIAM FEW

ABRAHAM BALDWIN

*Attest: WILLIAM JACKSON, Secretary*ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE  
CONSTITUTION OF THE UNITED STATES  
OF AMERICA*Proposed by Congress, and ratified by the Legislatures of the  
several States, pursuant to the fifth article of the original  
Constitution*

## ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

## ARTICLE II

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

## ARTICLE III

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

## ARTICLE IV

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

## ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life and limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## ARTICLE VI

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

## ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

## ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## ARTICLE IX

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

## ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

## ARTICLE XI

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

## ARTICLE XII

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice-

President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted: The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

### ARTICLE XIII

SECTION I. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.



SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

## ARTICLE XIV

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each house, remove such disability.

SECTION 4. The validity of the public debt of the United

States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

## ARTICLE XV

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

## ARTICLE XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

## ARTICLE XVII

SECTION 1. The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

SECTION 2. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the Legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the Legislature may direct.

SECTION 3. This Amendment shall not be so construed as to affect the election term of any Senator chosen before it becomes valid as part of the Constitution.

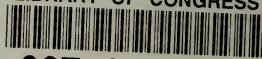








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